

Exhibit F

To

Joint Claim Chart

RESPONSE TO OFFICE ACTION DATED NOVEMBER 26, 1999

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-TC 2700 MAIL ROOM

AMENDMENTS

04/03/2000	SLUANG	00000099	00051877
01 FC:115			110.00 DP
02 FC:103			72.00 DP

Amended and Unchanged Existing Claims:

Please amend claims 1, 6, and 11 as indicated below (all currently pending claims are listed for the Office's convenience):

1. (Twice Amended) A hypermedia browser embodied on a computer-readable medium for execution on an information processing device having a limited display area, wherein the hypermedia browser has a content viewing area and is configured to display a temporary graphic element over the content viewing area during times when the browser is loading content, wherein the temporary graphic element is positioned [within] over the content viewing area to only partially obstruct content in the content viewing area, wherein the temporary graphic element does not contain information content.

2. A hypermedia browser as recited in claim 1, wherein the temporary graphic element is animated.

3. A hypermedia browser as recited in claim 1, wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.

4. A hypermedia browser as recited in claim 1, wherein the hypermedia browser presents the temporary graphic element within a temporary window in a windowing operating environment.

1 5. A hypermedia browser as recited in claim 1, wherein:
 2 the temporary graphic element is animated; and
 3 the hypermedia browser presents the temporary graphic element within a
 4 temporary window in a windowing operating environment.

5
 6 6. (Twice Amended) An information processing device comprising:
 7 a processor;
 8 a display;
 9 a hypermedia browser executing on the processor to load and display
 10 content in a content viewing area on the display;
 11 wherein the hypermedia browser displays a temporary graphic element over
 12 the content viewing area during times when the browser is loading visible content;
 13 wherein the temporary graphic element [occupies] is positioned only over
 14 a portion of the content viewing area and only partially obstructs visible content in
 15 the content viewing area; and
 16 wherein the temporary graphic element indicates to a user that the browser
 17 is loading content.

18
 19 7. An information processing device as recited in claim 6, wherein the
 20 temporary graphic element is animated.

21
 22 8. An information processing device as recited in claim 6, wherein the
 23 hypermedia browser displays the temporary graphic element in a corner of the
 24 content viewing area.
 25

1 9. An information processing device as recited in claim 6, wherein the
2 hypermedia browser displays the temporary graphic element within a temporary
3 window in a windowing operating environment.

4
5 10. An information processing device as recited in claim 6, wherein:
6 the temporary graphic element is animated; and
7 the hypermedia browser displays the temporary graphic element within a
8 temporary window in a windowing operating environment.

9
10 11. (Twice Amended) A method of browsing a hyperlink resource,
11 comprising the following steps:
12 loading content from the hyperlink resource in response to user selection of
13 hyperlinks contained in said content;
14 displaying the content in a content viewing area;
15 displaying a temporary graphic element over the content viewing area
16 during the loading step, wherein the temporary graphic element only partially
17 obstructs content in the content viewing area;
18 wherein the loading, the content displaying, and the temporary graphic
19 element displaying steps occur at least partially concurrently.

20
21 12. A method as recited in claim 11, further comprising an additional
22 step of animating the temporary graphic element.
23
24
25

1 13. A method as recited in claim 11, wherein the displaying step
2 includes displaying the temporary graphic element in a corner of the content
3 viewing area.

4
5 14. A method as recited in claim 11, wherein the displaying step
6 includes displaying the temporary graphic element within a temporary window in
7 a windowing operating environment.

8
9 15. A method as recited in claim 11, further comprising an additional
10 step of animating the temporary graphic element, wherein the displaying step
11 includes displaying the temporary graphic element within a temporary window in
12 a windowing operating environment:

13
14 16. A computer-readable storage medium containing instructions that
15 are executable for performing the steps recited in claim 11.

16
17
18 **New Claims:**

19 Please add claims 17-24 as indicated below:
20

21
22 2 17. A hypermedia browser as recited in claim 1, wherein the browser is
23 configured to display the temporary graphic element over the content viewing area
24 only during times when the browser is loading visible content.
25

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1 ~~17~~ 18. A hypermedia browser as recited in claim 1, wherein the temporary
2 graphic element indicates to a user that the browser is loading content.

3
4 ~~4~~ 19. A hypermedia browser as recited in claim 1, wherein the temporary
5 graphic element disappears when the browser's loading of content is complete to
6 indicate to a user that such loading of content is complete.

7
8 ~~Sub C5~~ 20. An information processing device as recited in claim 6, wherein the
9 temporary graphic element does not contain information content.

10
11 ~~B call 4~~ 21. An information processing device as recited in claim ~~6~~ ¹² 12, wherein the
12 temporary graphic element disappears when the browser's loading of content is
13 complete to indicate to a user that such loading of content is complete.

14
15 ~~Sub C5~~ 22. A method as recited in claim 11, wherein the temporary graphic
16 element does not contain information content.

17
18 ¹⁹ 23. A method as recited in claim ~~11~~ ¹⁹ 19, wherein the temporary graphic
19 element indicates to a user that the loading step is being performed.

20
21 ¹⁹ 24. A method as recited in claim ~~11~~ ¹⁹ 19, further comprising removing the
22 temporary graphic element once the loading step is complete to indicate to a user
23 that the loading step is complete.
24
25

REMARKS

Applicant appreciates the Office's acknowledgement that U.S. Patent No. 5,877,776 to Bates et al. ("Bates") is not a valid prior art reference and the Office's withdrawal of Bates from consideration. Applicant also appreciates the Office's choice to make this most recent Office Action non-final.

All claims have been rejected under §103 as being obvious over U.S. Patent No. 5,760,771 to Blonder et al. ("Blonder") and U.S. Patent No. 5,973,692 to Knowlton et al. ("Knowlton"). The rejections are traversed below.

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. At the time of the Action, claims 1-16 were pending. After this Response, claims 1-24 are pending. No claims are cancelled. New claims 17-24 are added. Claims 1, 6 and 11 are amended.

Summary of Amendments and New Claims

All of the independent claims are amended. Those are claims 1, 6, and 11. In addition, claims 17-24 are added.

Claims 1 and 6. Applicant changes the terminology in these claims so that it is clear that the graphic element is "over" the content viewing area. For clarification and to make the language consistent, Applicant changes claim 1 to read as follows: "...positioned [within] over the content viewing area...."

Applicant makes a similar change in claim 6: "...temporary graphic element [occupies] is positioned only over a portion of the content viewing area...." Support for this change is found throughout the application, but specifically in Fig. 3 and at page 8, line 11 through page 9, line 7. The use of "over" in the claim language emphasizes that that the graphic element is not part

1 of the content. Content is displayed in the content viewing area. The graphic
 2 element is displayed "...over the content viewing area to only partially obstruct
 3 content in the content viewing area...."

4 Claims 1, 20, and 22. The temporary graphic element is not content. To
 5 clarify this point, Applicant amends independent claim 1 and adds dependent
 6 claims 20 and 22 (which depend from claims 6 and 11, respectively). In amended
 7 claim 1, the following language is added: "...wherein the graphic element does not
 8 contain information content...." Similar language is included in new claims 20 and
 9 22. Applicant adds this to clarify that the graphic element of these claims does not
 10 contain information content.

11 Claims 6, 11, and 17. While the content is being loaded, that content is
 12 visible to the user. For clarification, Applicant changes the wording of
 13 independent claims 6 and 11 and adds dependent claim 17 (which is dependent
 14 from claim 1). Amended claim 6 now includes "...when the browser is loading
 15 visible content..." and the graphic element "...only partially obstructs visible
 16 content...." In claim 11, the following language is added: "...wherein the loading,
 17 the content displaying...occur at least partially concurrently...." These changes
 18 are made to clarify that the loading content is visible.

19 Claims 18 and 23. These claims focus on a similar feature. Specifically,
 20 the graphic element indicates to a user that content is being loaded. In the
 21 previous Response to the Action dated June 23, 1999, Applicant amended claim 6
 22 to add a similar feature. This feature is now incorporated into new claims 18 and
 23 23, which depend from claims 1 and 11, respectively.

24 Claims 19, 21, and 24. These claims focus on a similar feature related to
 25 the disappearance of the graphic element, which indicates to a user that the loading

1 of the content is complete. This addition is fully supported in the application.
 2 Specifically, support can be found on page 8, lines 17-21. Claims 19, 21, and 24
 3 depend from claims 1, 6, and 11, respectively.

4 Applicant makes these changes and additions to further clarify the claims.
 5 These amendments and additions are specifically not done to overcome any
 6 known reference, but rather to clarify the claimed language and to place the claims
 7 in condition for allowance without affecting the scope of protection of the claims.

8 **Prior Art Status of References**

9
 10 In this communication or in any prior communication, Applicant does not
 11 explicitly or implicitly admit that any reference is prior art. Nothing in this
 12 response should be considered an acknowledgement, acceptance, or admission that
 13 any reference is considered prior art.

14 **References**

15 The obviousness rejections rely on two references: Blonder and Knowlton.

16 **Blonder**

17
 18 Blonder discloses a service that provides a structured tour of hypertext files.
 19 In Fig. 13 and in col. 8, lines 18-42, Blonder describes its "padding" technique. In
 20 limited situations where it is determined (or known) that the loading of a page is
 21 delayed, Blonder's tour service will display supplementary content pages, known
 22 as "padding". In the viewing area, Blonder's tour service displays "predetermined
 23 padding material *to keep the user entertained* while the page is being loaded"
 24 (Blonder, col. 8, lines 23-26) (emphasis added). Blonder gives the following
 25 example of padding:

1 For example, padding in an education tour may consist of a
 2 discussion of general trends in the cost and financing of tuition. This
 3 discussion may consist of graphs and charts accompanied by
 4 narration.

5 Blonder, col. 3, lines 36-41.

6 Knowlton

7 Knowlton describes a method of representing files with graphic icons. In
 8 particular, a graphical representation of a file is generated and placed on display
 9 screen. This graphical representation is a "graphics icon" which is associated with
 10 an entry in a data structure. The entry includes various pieces of information
 11 including a link back to the original file so that a user can access the original file
 12 from its "graphics icon."

13 In Knowlton, a display is generated that includes various graphic icons.
 14 There is no content being viewed in Knowlton. Only the icons are displayed and
 15 the icons are not content. A user may select one of the displayed icons and access
 16 its associated content. However, such associated content is not displayed with the
 17 icons. More particularly, the icons are not displayed over their associated content.

18 Claim Rejections – 35 USC § 103 – Obviousness

19 All claims have been rejected under §103 as being obvious over Blonder
 20 and Knowlton. Applicant respectfully traverses the rejections.

21 Independent Claim 1

22 The Office states that Blonder shows all of the features of claim 1 except
 23 for "limited display area" and "partially obstructed content" (quotes are from the
 24 Action, page 3). The Office indicates that Knowlton discloses these features.
 25 Applicant disagrees.

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1 The Office equates Blonder's "padding" with Applicant's "...temporary
 2 graphic element..." But the "padding" is not equivalent because it does not satisfy
 3 the elements of claim 1. This is because the "padding" is content and "...the
 4 temporary graphic element does not contain information content..." Blonder (col.
 5 3, lines 34-36) states that the padding "is predetermined content." Blonder's
 6 "padding" is not equivalent to the "...graphic element..." because the "padding" is
 7 content and the "...graphic element..." is not.

8 "Limited Display Area" and "Partially Obstruct Content"

9 To support its proposition that Knowlton teaches the "limited display area"
 10 and the "partially obstruct content" features, the Office cites the Abstract of
 11 Knowlton; col. 26, lines 20-64, especially lines 60-64; and col. 42, lines 30-34.
 12 However, Applicant submits that Knowlton does not teach either of these features.

13 Applicant cannot find any language that teaches a "limited display area" in
 14 the cited portions or, in fact, in any other portion of Knowlton. Applicant did find
 15 several references within Knowlton that generally refer to packing icons on a
 16 display. However, none of those references is to a "limited display area." Instead,
 17 they appear to refer to any display. Specifically, see col. 41, lines 34-46.
 18 Applicant does not find any reference to a "limited display area" in Knowlton.

19 Indeed, Applicant found where Knowlton specifically refers to a "typical
 20 display." In the "Background" section of Knowlton, it discusses the problem that
 21 Knowlton is attempting to solve and its related technology. Knowlton expressly
 22 refers to the problem of "displaying such graphical representations...on a *typical*
 23 *display*" (col. 2, lines 18-23) (emphasis added).
 24
 25

1 Likewise, Applicant cannot find any language teaching the “partially
2 obstruct content” feature in the cited portion or in any other portion of Knowlton.
3 The Office may have wanted Applicant to infer the existence of this feature when
4 the Action asks Applicant to notice “how the graphical icon covers the viewing
5 area” (Action, page 3, lines 10-11). Applicant assumes that the Office wants the
6 Applicant to take note of Figs. 2B, 4B-4D, 4F-4M and their associated
7 descriptions.

8 The Office appears to equate Knowlton’s “screen” (as defined at col. 44,
9 lines 20-26) to a “viewing area.” Whether this is true or not, Applicant submits
10 that Knowlton does not satisfy the elements of claim 1.

11 Specifically, claim 1 requires a “...content viewing area...” and not just a
12 “viewing area.” The “screen” in Knowlton does not display content. It only
13 displays “graphical icons” and icons are not content. They might indicate a link to
14 content, but icons are not content. See Figs. 2B, 4B-4D, 4F-4M and their
15 associated descriptions (in particular, col. 44, line 20 through col. 46, line 6).

16 If these issues are still relevant when a next Office Action is issued,
17 Applicant asks the Office to expressly point out precisely where Knowlton teaches
18 the “limited display area” and the “partially obstruct content” features. It would be
19 very helpful if the Office could quote and cite the exact words that teach this. This
20 would assist the Applicant considerably in responding to these issues.

21 Accordingly, the combination of Blonder and Knowlton would not have
22 suggested the elements defined in claim 1, and this claim should be allowed for
23 this reason.
24
25

1 "An Indicator in the Content Viewing Area" and

2 Claims 6-10, 18, 19, 21, 23 and 24

3 To support its proposition that Knowlton teaches "an indicator in the
4 content viewing area", the Office cites col. 2, lines 2-30 and lines 60-65.
5 Applicant submits that Knowlton does not teach this feature.

6 Applicant believes that Applicant understands the point that the Office was
7 intending to make in the footnote on page 3 of the Action. It appears that the
8 Office is saying that the "graphical icon" of Knowlton is an indicator of its
9 associated file and that the "graphical icon" is "in the content viewing area."

10 As mentioned above, Knowlton does not have a "content viewing area."
11 Rather, it has a screen that displays icons. But the icons, themselves, are not
12 content.

13 Although Knowlton's "graphical icon" may indicate a link to some
14 associated content, it does not indicate "...to a user that the browser is loading
15 content..." Claim 6 does not specify that the "graphic element" indicates a file or
16 some other content. Rather, Claim 6 specifies that the "graphic element" indicates
17 "to a user" that the browser "is loading content."

18 Claims 7-10 include the same language as claim 6 because they are
19 dependent from claim 6. Claims 18, 19, 21, 23, and 24 depend upon claims other
20 than claim 6. They include similar indication-type language. Thus, the same
21 reasoning applies to them as well as to claim 6.

22 Accordingly, the combination of Blonder and Knowlton would not have
23 suggested the elements defined in claims 6-10, 18, 19, 21, 23 and 24, and these
24 claims should be allowed for this reason.
25

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1 Claims 6-17 and 20-22

2 These claims are allowable because none of the cited references discloses a
3 browser that displays "...a temporary graphic element *over* the content viewing
4 area during times when the browser is *loading visible content ...*" (emphasis
5 added). The quoted text is from claim 6, but claim 11 and claim 17 also include
6 similar language. Blonder never suggests a technique or a desire for currently
7 displaying the delayed content and the "padding" in the content viewing area.
8 Since the delayed content is unavailable, it cannot be displayed. If it were
9 available, then Blonder's service would not need to display the "padding."
10 Likewise, Knowlton never suggests a technique or a desire for displaying any
11 visible content of any kind while displaying its "graphical icon."

12 In addition, Blonder does not suggest displaying its "padding" *over* the
13 delayed content. Knowlton does not provide any teaching or motivation for
14 placing its "graphical icon" *over* visible content.

15 Claim 17 (dependent from claim 1) includes similar visibility language. For
16 this reason, dependent claim 17 is non-obvious and allowable. Since independent
17 claims 6 and 11 are non-obvious and allowable for the above reason, all of their
18 dependent claims (7-10, 12-16 and 20-22) are also allowable. Accordingly,
19 Applicant asks that the Office allow claims 6-17 and 20-22.

20 Independent Claim 6

21 For the most part, the reasoning given above for distinguishing features of
22 Blonder and Knowlton from claim 1 also applies to claim 6. Specifically, claim 6
23 recites, "...the temporary graphic element [occupies] is positioned only over a
24
25

1 portion of the content viewing area....” Like the discussion in claim 1, neither
 2 Blonder nor Knowlton discloses this similar feature of claim 6.

3 In addition, claim 6 recites that the “...temporary graphic element indicates
 4 to a user that the browser is loading visible content....” Blonder’s “padding” does
 5 not accomplish this function. Rather, it appears that such padding is used to hide
 6 the fact that there is a delay in downloading content—not to signal such a delay.
 7 Neither Blonder nor Knowlton discloses this similar feature of claim 6.
 8 Accordingly, claim 6 should be allowed for this reason.

9 Independent Claim 11

10 Claim 11 is a method claim that has distinguishing features that are similar
 11 to those of apparatus claims 1 and 6. In addition, Applicant adds the following
 12 language to claim 11: “...wherein the loading, the content displaying, and the
 13 temporary graphic element displaying steps occur at least partially
 14 concurrently....” Nothing in the cited references suggests this. Knowlton never
 15 displays its “graphical icon” while displaying content. Likewise, Blonder never
 16 displays its “padding” while displaying its delayed content. Accordingly, the
 17 combination of Blonder and Knowlton does not include the elements defined in
 18 claim 11, and thus claim should be allowed.

19 Dependent Claims

20 Dependent claims 2-6, 7-10, 12-16, and 17-24 are allowable because of
 21 their dependence from allowable base claims (1, 6, and 11), and for additionally
 22 recited features that are not shown by the cited references in the context defined by
 23 the base claims. These claims are allowable whether or not their base claims are
 24 allowable.
 25

1 Much of the discussion below regarding the allowability of the dependent
 2 claims was provided in Applicant's Response to the previous Office Action. It
 3 does not appear that the Office addressed Applicant's arguments in this most
 4 recent Office Action. If the allowability of these dependent claims is an issue
 5 when the next communication from the Office is issued, Applicant asks the Office
 6 to address these particular arguments.

7 Claims 2, 5, 7, 10, 12, and 15

8 Claims 2, 5, 7, 10, 12, and 15 include a feature where the temporary
 9 graphic element is animated. The Office states that this feature is obvious because
 10 Blonder suggests such animation. However, Blonder does not suggest this.
 11 Rather, it appears that Blonder discloses the use of animated *content*. As
 12 mentioned previously, the "...graphic element..." does not contain information
 13 content..."; therefore, Blonder does not suggest the use of an animated "...graphic
 14 element..." Accordingly, claims 2, 5, 7, 10, 12, and 15 should be allowed.

15 Claims 3, 8, and 13

16 Claims 3, 8, and 13 recite that the temporary graphic element is displayed
 17 "...in a corner of the content viewing area...." In addressing these claims, the
 18 Office mentions that using a corner "is a well known feature of Windows
 19 windowing [and] graphical icons." Although the Office did cite portions of the
 20 references to support this claim, Applicant cannot find any suggestion in the
 21 references that establish the obviousness of using a corner of a "...content viewing
 22 area..." to display a "...temporary graphics element..." when "...loading
 23 content..."
 24
 25

1 It may or may not be well known to place a graphic element in the corner of
 2 a *window* and such a window may include a "...content viewing area..."
 3 Regardless whether that is well known or not, Applicant submits that it is not
 4 generally known to place a graphic element in the corner of a "...content viewing
 5 area..." instead of the corner of the *window*. There is nothing in the cited
 6 references to suggest that a corner of a content viewing area should be used for a
 7 graphics element such as the one claimed. Accordingly, claims 3, 8, and 13 is
 8 allowable and its rejection should be withdrawn.

9 Claims 4, 5, 9, 10, 14, and 15

10 Claims 4, 5, 9, 10, 14, and 15 recite that the temporary graphic element is
 11 presented "...within a temporary window in a windowing operating
 12 environment..." Although the Office has established the achievability of this
 13 feature, it has not established any *suggestion or motivation for actually*
 14 *implementing it*. There is no indication in the cited references that anyone has
 15 ever considered using a "window" to display a graphics element such as this when
 16 content is loading. Accordingly, claims 4, 5, 9, 10, 14, and 15 should be allowed.

17 Claim 16

18 The Office states that computer readable storage medium is well known in
 19 the art of computers. This may or may not be true. Regardless, claim 16 is
 20 allowable because it is dependent from an allowable base claim, claim 11.
 21 Accordingly, claim 16 should be allowed.
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 23
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 25

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1 **Conclusion**

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt issuance of the application. If any issues
4 remain that prevent issuance of this application, the Office is urged to contact the
5 undersigned attorney before issuing a subsequent Action.

6
7 Respectfully Submitted,

8
9 Dated: 3/23/00

By: 

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#124 Pre Amate
EL 6243521600
K. P. M. C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority Application Serial No.08/851,877
 Priority Filing Date5/6/97
 InventorshipShell et al.
 Applicant Microsoft Corporation
 Priority Group Art Unit2771
 Priority Examiner Jung, D.
 Attorney's Docket No. MSI-161US
 Title: Loading Status in a Hypermedia Browser Having a Limited Available Display
 Area

PRELIMINARY AMENDMENT

To: Commissioner of Patents and Trademarks,
 Washington, D.C. 20231

From: Kasey C. Christie (Tel. 509-324-9256 x32; Fax 509-323-8979)
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In the Claims

Claims pending

- At time of the Action: Claims 1-24.
- After this Response: Claims 1-30.

Canceled claims: None.

Amended claims: Claims 1, 6, 11, 20, and 22.

New claims: 25-30.

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Amended and Unchanged Existing Claims:

Please amend claims 1, 6, 11, 20, and 22 as indicated below (all currently pending claims are listed for the Office's convenience):

1. (Thrice Amended) A hypermedia browser embodied on a computer-readable medium for execution on an information processing device having a limited display area, wherein the hypermedia browser has a content viewing area for viewing content and is configured to display a temporary graphic element over the content viewing area during times when the browser is loading content, wherein the temporary graphic element is positioned over the content viewing area to [only partially] obstruct only part of the content in the content viewing area, wherein the temporary graphic element [does not contain information] is not content.

2. A hypermedia browser as recited in claim 1, wherein the temporary graphic element is animated.

3. A hypermedia browser as recited in claim 1, wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.

4. A hypermedia browser as recited in claim 1, wherein the hypermedia browser presents the temporary graphic element within a temporary window in a windowing operating environment.

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1
2 5. A hypermedia browser as recited in claim 1, wherein:
3 the temporary graphic element is animated; and
4 the hypermedia browser presents the temporary graphic element within a
5 temporary window in a windowing operating environment.

6
7 13 6. (Thrice Amended) An information processing device comprising:
8 a processor;
9 a display;
10 a hypermedia browser executing on the processor to load and display
11 content in a content viewing area on the display;
12 22 23 wherein the hypermedia browser displays a temporary graphic element over
13 the content viewing area during times when the browser is loading visible content;
14 wherein the temporary graphic element is positioned only over a portion of
15 the content viewing area and [only partially] obstructs only part of the visible
16 content in the content viewing area; and
17 wherein the temporary graphic element indicates to a user that the browser
18 is loading content.

19
20 7. An information processing device as recited in claim 6, wherein the
21 temporary graphic element is animated.

22
23 8. An information processing device as recited in claim 6, wherein the
24 hypermedia browser displays the temporary graphic element in a corner of the
25 content viewing area.

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1
2 9. An information processing device as recited in claim 6, wherein the
3 hypermedia browser displays the temporary graphic element within a temporary
4 window in a windowing operating environment.

5
6 10. An information processing device as recited in claim 6, wherein:
7 the temporary graphic element is animated; and
8 the hypermedia browser displays the temporary graphic element within a
9 temporary window in a windowing operating environment.

10
11 11. (Thrice Amended) A method of browsing a hyperlink resource,
12 comprising the following steps:

13 loading content from the hyperlink resource in response to user selection of
14 hyperlinks contained in said content;

15 displaying the content in a content viewing area;

16 displaying a temporary graphic element over the content viewing area
17 during the loading step, wherein the temporary graphic element [only partially]
18 obstructs only part of the content in the content viewing area;

19 wherein the loading, the content displaying, and the temporary graphic
20 element displaying steps occur at least partially concurrently.

21
22 12. A method as recited in claim 11, further comprising an additional
23 step of animating the temporary graphic element.
24
25

1 13. A method as recited in claim 11, wherein the displaying step
2 includes displaying the temporary graphic element in a corner of the content
3 viewing area.

4
5 14. A method as recited in claim 11, wherein the displaying step
6 includes displaying the temporary graphic element within a temporary window in a
7 windowing operating environment.

8
9 15. A method as recited in claim 11, further comprising an additional
10 step of animating the temporary graphic element, wherein the displaying step
11 includes displaying the temporary graphic element within a temporary window in a
12 windowing operating environment.

13
14 16. A computer-readable storage medium containing instructions that are
15 executable for performing the steps recited in claim 11.

16
17 17. A hypermedia browser as recited in claim 1, wherein the browser is
18 configured to display the temporary graphic element over the content viewing area
19 only during times when the browser is loading visible content.

20
21 18. A hypermedia browser as recited in claim 1, wherein the temporary
22 graphic element indicates to a user that the browser is loading content.
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25

19. A hypermedia browser as recited in claim 1, wherein the temporary graphic element disappears when the browser's loading of content is complete to indicate to a user that such loading of content is complete.

20. (Amended) An information processing device as recited in claim 6,
wherein the temporary graphic element [does not contain information] is not content.

21. An information processing device as recited in claim 6, wherein the temporary graphic element disappears when the browser's loading of content is complete to indicate to a user that such loading of content is complete.

22. (Amended) A method as recited in claim 11, wherein the temporary graphic element [does not contain information] is not content.

23. A method as recited in claim 11, wherein the temporary graphic element indicates to a user that the loading step is being performed.

24. A method as recited in claim 11, further comprising removing the temporary graphic element once the loading step is complete to indicate to a user that the loading step is complete.

New Claims:

Please add claims 25-30 as indicated below:

25. A hypermedia browser as recited in claim 1, wherein the temporary graphic element conveys status information of the browser.

26. A method of indicating a content "load status" of a hypermedia browser having a content viewing area for viewing content, the method comprising:

displaying loaded content within the content viewing area of a screen of a hypermedia browser, the screen is without a "load status" graphic element, wherein a "load status" graphic element indicates a current content load status of the hypermedia browser;

receiving an instruction to load new content into the content viewing area;

loading such new content into the content viewing area; and

while loading, displaying a "load status" graphic element over the content viewing area so that the graphic element obstructs only part of the content in such content viewing area.

27. A method as recited in claim 26 further comprising, upon completion of the loading, removing the "load status" graphic element to reveal the part of the content in the content viewing area that the graphic element obstructed when the element was displayed.

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1
2 ~~28.~~ A computer-readable medium having computer-executable
3 instructions that, when executed by a computer, perform a method of indicating a
4 content "load status" of a hypermedia browser having a content viewing area for
5 viewing content, the method comprising:

6 displaying loaded content within the content viewing area of a screen of a
7 hypermedia browser, the screen is without a "load status" graphic element,
8 wherein a "load status" graphic element indicates a current content load status of
9 the hypermedia browser;

10 receiving an instruction to load new content into the content viewing area;

11 loading such new content into the content viewing area; and

12 while loading, displaying a "load status" graphic element over the content
13 viewing area so that the graphic element obstructs only part of the content in such
14 content viewing area.

15
16 ~~29.~~ A computer-readable medium as recited in claim ~~28~~ further having
17 additional computer-executable instructions that perform a method comprising,
18 upon completion of the loading, removing the "load status" graphic element to
19 reveal the part of the content in the content viewing area that the graphic element
20 obstructed when the element was displayed.
21
22
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25

1 ^{30.} An information processing device comprising:
2 a processor;
3 a display;
4 a hypermedia browser executing on the processor to load and display
5 content in a content viewing area on the display;
6 wherein the hypermedia browser is configured to operate in a content-
7 loading mode and a content-loaded mode;
8 in the content-loaded mode, the hypermedia browser displays loaded
9 content in the content viewing area and no "load status" graphic element is
10 displayed, wherein absence of such "load status" graphic element indicates that the
11 browser is in the content-loaded mode;
12 in the content-loading mode, the hypermedia browser loads content,
13 displays such content in the content viewing area as it loads, and displays a "load
14 status" graphic element over the content view area obstructing part of the content
15 displayed in the content viewing area, wherein presence of such "load status"
16 graphic element indicates that the browser is in the content-loading mode.

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REMARKS

References herein to the Office Action are to the last Office Action, dated 5/9/2000, of U.S. Patent Application Serial No.08/851,877, filed 5/6/97. References herein to the previous Office Action are to the Action immediately before the last Action for the same patent application (Serial No.08/851,877, filed 5/6/97). That previous Action was dated 11/26/1999.

The Office rejects all claims under §103 as being unpatentable over U.S. Patent No. 5,760,771 to Blonder et al. ("Blonder") and U.S. Patent No. 5,973,692 to Knowlton et al. ("Knowlton"). Applicant respectfully traverses the rejections.

Applicant respectfully requests reconsideration and allowance of all of the pending claims of the application. At the time of the Action, claims 1-24 were pending. After this Preliminary Response, claims 1-30 are pending. Claims 1, 6, 11, 20, and 22 are amended. New claims 25-30 are added.

Prior Art Status of References

Applicant does not explicitly or implicitly admit that any reference is prior art. Nothing in this response should be considered an acknowledgement, acceptance, or admission that any reference is considered prior art. Such references might be or might not be prior art, but Applicant make take no position regarding a references' prior art status.

Permission to Re-interpret All Pending Claims

In a paragraph (p. 9, lines 4-7) in Applicant's response to the previous Action, Applicant explained that changes to the claims are intended to clarify the invention rather than to overcome cited references. In a short informal telephonic

1 discussion on July 3, 2000, the Examiner explained his interpretation of that
2 paragraph to Kasey Christie, an attorney for Applicant.

3 The Examiner explained that he believed that Applicant's referenced
4 paragraph did not grant the Office permission to re-interpret the pending claims.
5 That was not Applicant's intent.

6 To clarify, the Applicant expressly grants permission to the Office to re-
7 interpret all pending claims of this application.

8 **Incorporation of Response to the Last Action**

9 Herein, Applicant expressly incorporates Applicant's remarks on pages 9-
10 17 of the response to the previous Action. Since, in the last Action, the Office did
11 not consider the substance of Applicant's response to the previous Action,
12 Applicant reintroduces them here for reconsideration.
13

14 **Claim Rejections – 35 USC § 103 – Obviousness**

15 The Office rejects all pending claims under §103 as being obvious over
16 Blonder and Knowlton. Applicant respectfully traverses the rejections.

17 The remarks of the response to the previous Action explain some of the
18 reasons why the claims are not obvious based upon a combination of Blonder and
19 Knowlton. Those remarks are incorporated into this document.

20 The combination of Blonder and Knowlton do not show all of the claimed
21 elements of claims 1-30. Each claim is allowable because the combination of the
22 cited references does not include all of the elements of that claim.

23 In addition, Applicant submits that there is no objective basis in the cited
24 references for combining or modifying them. As the Office knows, to support a
25

1 conclusion of obviousness, there must be something in the references (as a whole)
2 that suggests the desirability, and thus the obviousness of making the combination.
3 *Uniroyal v. Rudkin-Wiley*, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988). Furthermore,
4 the teachings of the references can be combined only if there is some suggestion or
5 incentive in the cited references to do so. *In re Fine*, 5 USPQ2d 1596, 1599 (Fed.
6 Cir. 1988).

7 The Action does not point to any teaching, incentive, or suggestion in the
8 cited references that supports the given combination or the given modification of
9 the combinations. Thus, Applicant submits that the rejection is unfounded. If the
10 cited references include such a teaching or suggestion, then Applicant submits that
11 the Office has not specifically pointed it out.

12 Furthermore, Applicant has added new claims and amended existing claims
13 that further clarify the invention. Applicant submits that the new claims and the
14 re-wording of existing claims will aid the Office in better understanding the scope
15 of protection that the Applicant seeks.

16 With these clarifications, Applicant submits that all of the pending claims in
17 a condition for allowance. Applicant asks the Office with withdraw its rejection
18 and allow all pending claims.
19
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1 Conclusion

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests prompt issuance of the subject application. If any issues remain that
4 prevent issuance of this application, the Office is urged to contact the undersigned
5 attorney before issuing a subsequent Action.

6
7 Respectfully Submitted,

8
9 Date: 7/17/2000

10 By: 

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25

1 Application Serial No. 08/851,877
 2 Filing Date 5/6/97
 3 Inventorship Shell et al.
 4 Applicant Microsoft Corporation
 5 Group Art Unit 2771
 6 Examiner Jung, D.
 7 Attorney's Docket No. MS1-161US
 8 Title: Loading Status in a Hypermedia Browser Having a Limited Available
 9 Display Area

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 11, 2000

RECEIVED

DEC 08 2000

Technology Center 210x

To: Commissioner of Patents and Trademarks,
Washington, D.C. 20231

From: Kasey C. Christie (Tel. 509-324-9256 x32; Fax 509-323-8979)
 Lee & Hayes, PLLC
 421 W. Riverside Avenue, Suite 500
 Spokane, WA 99201

In the Claims

Claims pending

- At time of the Action: Claims 1-30.
- After this Response: Claims 1-30.

Canceled claims: None.

Amended claims: Claim 26.

New claims: None.

1 **Amended and Unchanged Existing Claims:**

2 Please amend claim 26 as indicated below (all currently pending claims are
3 listed for the Office's convenience):
4

5
6 1. A hypermedia browser embodied on a computer-readable medium
7 for execution on an information processing device having a limited display area,
8 wherein the hypermedia browser has a content viewing area for viewing content
9 and is configured to display a temporary graphic element over the content viewing
10 area during times when the browser is loading content, wherein the temporary
11 graphic element is positioned over the content viewing area to obstruct only part of
12 the content in the content viewing area, wherein the temporary graphic element is
13 not content.

14
15 2. A hypermedia browser as recited in claim 1, wherein the temporary
16 graphic element is animated.

17
18 3. A hypermedia browser as recited in claim 1, wherein the hypermedia
19 browser displays the temporary graphic element in a corner of the content viewing
20 area.

21
22 4. A hypermedia browser as recited in claim 1, wherein the hypermedia
23 browser presents the temporary graphic element within a temporary window in a
24 windowing operating environment.
25

1 **5.** A hypermedia browser as recited in claim 1, wherein:
2 the temporary graphic element is animated; and
3 the hypermedia browser presents the temporary graphic element within a
4 temporary window in a windowing operating environment.

5
6 **6.** An information processing device comprising:
7 a processor;
8 a display;
9 a hypermedia browser executing on the processor to load and display
10 content in a content viewing area on the display;
11 wherein the hypermedia browser displays a temporary graphic element over
12 the content viewing area during times when the browser is loading visible content;
13 wherein the temporary graphic element is positioned only over a portion of
14 the content viewing area and obstructs only part of the visible content in the
15 content viewing area; and
16 wherein the temporary graphic element indicates to a user that the browser
17 is loading content.

18
19 **7.** An information processing device as recited in claim 6, wherein the
20 temporary graphic element is animated.

21
22 **8.** An information processing device as recited in claim 6, wherein the
23 hypermedia browser displays the temporary graphic element in a corner of the
24 content viewing area.
25

1 **9.** An information processing device as recited in claim 6, wherein the
2 hypermedia browser displays the temporary graphic element within a temporary
3 window in a windowing operating environment.

4
5 **10.** An information processing device as recited in claim 6, wherein:
6 the temporary graphic element is animated; and
7 the hypermedia browser displays the temporary graphic element within a
8 temporary window in a windowing operating environment.

9
10 **11.** A method of browsing a hyperlink resource, comprising the
11 following steps:

12 loading content from the hyperlink resource in response to user selection of
13 hyperlinks contained in said content;

14 displaying the content in a content viewing area;

15 displaying a temporary graphic element over the content viewing area
16 during the loading step, wherein the temporary graphic element obstructs only part
17 of the content in the content viewing area;

18 wherein the loading, the content displaying, and the temporary graphic
19 element displaying steps occur at least partially concurrently.

20
21 **12.** A method as recited in claim 11, further comprising an additional
22 step of animating the temporary graphic element.

23
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1 **13.** A method as recited in claim 11, wherein the displaying step
2 includes displaying the temporary graphic element in a corner of the content
3 viewing area.

4
5 **14.** A method as recited in claim 11, wherein the displaying step
6 includes displaying the temporary graphic element within a temporary window in a
7 windowing operating environment.

8
9 **15.** A method as recited in claim 11, further comprising an additional
10 step of animating the temporary graphic element, wherein the displaying step
11 includes displaying the temporary graphic element within a temporary window in a
12 windowing operating environment.

13
14 **16.** A computer-readable storage medium containing instructions that are
15 executable for performing the steps recited in claim 11.

16
17 **17.** A hypermedia browser as recited in claim 1, wherein the browser is
18 configured to display the temporary graphic element over the content viewing area
19 only during times when the browser is loading visible content.

20
21 **18.** A hypermedia browser as recited in claim 1, wherein the temporary
22 graphic element indicates to a user that the browser is loading content.

23
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1 **19.** A hypermedia browser as recited in claim 1, wherein the temporary
2 graphic element disappears when the browser's loading of content is complete to
3 indicate to a user that such loading of content is complete.

4
5 **20.** An information processing device as recited in claim 6, wherein the
6 temporary graphic element is not content.

7
8 **21.** An information processing device as recited in claim 6, wherein the
9 temporary graphic element disappears when the browser's loading of content is
10 complete to indicate to a user that such loading of content is complete.

11 **22.** A method as recited in claim 11, wherein the temporary graphic
12 element is not content.

13
14 **23.** A method as recited in claim 11, wherein the temporary graphic
15 element indicates to a user that the loading step is being performed.

16
17 **24.** A method as recited in claim 11, further comprising removing the
18 temporary graphic element once the loading step is complete to indicate to a user
19 that the loading step is complete.

20 **25.** A hypermedia browser as recited in claim 1, wherein the temporary
21 graphic element conveys status information of the browser.
22
23
24
25

1 **26. (Amended)** A method of indicating a content "load status" of a
 2 hypermedia browser having a content viewing area for viewing content, the
 3 method comprising:

4 displaying loaded content within the content viewing area of a screen of a
 5 hypermedia browser, the screen [is] being without a "load status" graphic element,
 6 wherein a "load status" graphic element indicates a current content load status of
 7 the hypermedia browser;

8 receiving an instruction to load new content into the content viewing area;

9 loading such new content into the content viewing area; and

10 while loading, displaying a "load status" graphic element over the content
 11 viewing area so that the graphic element obstructs only part of the content in such
 12 content viewing area.

13
 14 **27.** A method as recited in claim 26 further comprising, upon completion
 15 of the loading, removing the "load status" graphic element to reveal the part of the
 16 content in the content viewing area that the graphic element obstructed when the
 17 element was displayed.

1 **28.** A computer-readable medium having computer-executable
2 instructions that, when executed by a computer, perform a method of indicating a
3 content "load status" of a hypermedia browser having a content viewing area for
4 viewing content, the method comprising:

5 displaying loaded content within the content viewing area of a screen of a
6 hypermedia browser, the screen is without a "load status" graphic element,
7 wherein a "load status" graphic element indicates a current content load status of
8 the hypermedia browser;

9 receiving an instruction to load new content into the content viewing area;

10 loading such new content into the content viewing area; and

11 while loading, displaying a "load status" graphic element over the content
12 viewing area so that the graphic element obstructs only part of the content in such
13 content viewing area.

14
15 **29.** A computer-readable medium as recited in claim 28 further having
16 additional computer-executable instructions that perform a method comprising,
17 upon completion of the loading, removing the "load status" graphic element to
18 reveal the part of the content in the content viewing area that the graphic element
19 obstructed when the element was displayed.

1 **30.** An information processing device comprising:
2 a processor;
3 a display;
4 a hypermedia browser executing on the processor to load and display
5 content in a content viewing area on the display;
6 wherein the hypermedia browser is configured to operate in a content-
7 loading mode and a content-loaded mode;
8 in the content-loaded mode, the hypermedia browser displays loaded
9 content in the content viewing area and no "load status" graphic element is
10 displayed, wherein absence of such "load status" graphic element indicates that the
11 browser is in the content-loaded mode;
12 in the content-loading mode, the hypermedia browser loads content,
13 displays such content in the content viewing area as it loads, and displays a "load
14 status" graphic element over the content view area obstructing part of the content
15 displayed in the content viewing area, wherein presence of such "load status"
16 graphic element indicates that the browser is in the content-loading mode.

REMARKS

References herein to the Office Action (or simply the Action) are to the last Office Action, dated September 11, 2000, of U.S. Patent Application Serial No.08/851,877, filed 5/6/97.

Applicant respectfully requests reconsideration and allowance of all of the pending claims of the application. At the time of the Action, claims 1-30 were pending. After this response, claims 1-30 are still pending. Claim 26 is amended. No new claim is added.

Applicant expressly grants permission to the Office to re-interpret all pending claims of this application.

Prior Art Status of References

Applicant does not explicitly or implicitly admit that any reference is prior art. Nothing in this communication should be considered an acknowledgement, acceptance, or admission that any reference is considered prior art.

Claim Rejections – 35 USC § 103 -- Obviousness

The Office rejects all claims under §103(a) as being unpatentable over U.S. Patent No. 5,760,771 to Blonder et al. ("Blonder"), U.S. Patent No. 5,973,692 to Knowlton et al. ("Knowlton"), U.S. Patent No. 5,983,005 to Monteiro et al. ("Monteiro"), and U.S. Patent No. 6,101,510 to Stone et al. ("Stone"). Applicant respectfully traverses the rejections.

***Prima facie* case is not established**

Applicant submits that the Office has failed to establish its *prima facie* case that claims 1-30 are unpatentable because they are obvious over a combination of

1 cited references. Applicant submits that no combination of the cited references
2 produces combinations having all of the elements and features of claims 1-30.

3 Although some claims are worded differently from others (and may have
4 different claimed elements and features), claims 1-30 recite a common core
5 concept that does not appear in any of the cited references. The core concept is a
6 non-content graphic element appearing over a content area that is indicative of
7 present condition where content is being loaded into the content area.

8 Again, Applicant qualifies the statement of the core concept by noting that
9 each claim is to read and interpreted on its own. The claims of this application may
10 approach this core concept from different angles and color it with different hues.

11 For instance, claim 1 recites its view of the core concept this way:
12 "...display a temporary graphic element over the content viewing area during times
13 when the browser is loading content, wherein the temporary graphic element is
14 positioned over the content viewing area to obstruct only part of the content in the
15 content viewing area, wherein the temporary graphic element is not content." In
16 this case, the display of the non-content graphic element coincides with the loading
17 of content. Claim 18, which is dependent upon claim 1, further elaborates that the
18 display of the non-content graphic element is indicative of the browser "...loading
19 content."

20 In another instance, claim 26 recites its view of the core concept this way:
21 "...wherein a 'load status' graphic element indicates a current content load status
22 of the hypermedia browser..." and "...loading...new content into the content
23 viewing area; and while loading, displaying a 'load status' graphic element over
24 the content viewing area so that the graphic element obstructs only part of the
25 content in such content viewing area..."

1 In previous Actions, the Office compares Blonder's content elements to
2 non-content elements of the claims and Knowlton non-content elements to content
3 elements of the claims. Therefore, Applicant submits that an agreed understanding
4 of the term "content" will further our mutual goal, which is speedy completion of
5 prosecution of this application. Applicant submits that those who are skilled in the
6 art of hypermedia browsers and related fields intuitively understand the concept of
7 "content."

8 Before the submission of Applicant's Preliminary Amendment dated July
9 17, 2000, the Examiner and an attorney for the Applicant, Kasey Christie,
10 discussed the meaning of "content" over the telephone. As a result of that
11 discussion, the Office found and cited Monteiro—in particular, Fig. 19 of
12 Monteiro. This figure illustrates traditional "pull-down" menus in a windowing
13 environment, which may be displayed over the content of a hypermedia browser.
14 Traditional "pull-down" menus are not content.

15 Applicant respectfully submits that the Office's reference to Fig. 19 of
16 Monteiro in the Action seems to indicate an agreement regarding the meaning of
17 "content" within the context of Applicant's application. However, instead of
18 withdrawing Blonder and Knowlton, the Office maintains the same rejections
19 based upon Blonder and Knowlton, but the Office now combines Stone and
20 Monteiro with them.

21 Applicant submits that the cited references do not disclose what the Office
22 says that they do. Applicant submits that the Office equates content in cited
23 references to claimed non-content. In addition, Applicant submits that the Office
24 equates non-content in cited references to claimed content.
25

Furthermore, the Office supports rejections of claims 17-24 based upon their similarity of scope with rejected claims 1-16. However, Applicant submits that the wording and approach of claims 17-24 are different from claims 1-16. As such, Applicant submits that claims 17-24 should be examined independently of claims 1-16. Applicant respectfully submits that, with regard to claims 17-24, the Office has failed to establish its *prima facie* case because it has not examined these claims.

Claims 1-16

The Office equates claims sets 1-5, 6-10, and 11-15 to each other. Applicant respectfully submits that they are not equivalent. The independent claims (1, 6, and 11) of each set are different from each other.

Claim 1

The Office states that claim 1 is obvious because all of the claimed features and elements of claim are found in a combination of Blonder, Knowlton, Monteiro, and Stone.

Applicant submits that Office has not made a *prima facie* case of obviousness for claim 1. The cited references do not include elements that the Office indicates that they do. Furthermore, the combination of the cited references does not include all of the claimed elements of claim 1.

The Office states that Blonder shows many of the features of claim 1. Applicant disagrees.

Blonder's Padding is Content. Claim 1 recites that the "...temporary graphic element is not content...." The Office equates Blonder's "padding" with

1 Applicant's "...temporary graphic element...." However, Applicant submits that
 2 the "padding" is not equivalent because Blonder's *padding is content*. At col. 3,
 3 lines 34-36, Blonder states that the padding "is predetermined content." Blonder
 4 states that it's padding is content.

5 Knowlton. To support its proposition that Knowlton teaches the "limited
 6 display area" and the "obstruct only part of the content" features, the Office cites
 7 the Abstract of Knowlton; col. 26, lines 20-64, especially lines 60-64; and col. 42,
 8 lines 30-34. However, Applicant submits that Knowlton does not teach either of
 9 these features.

10 Limited Display Area. Applicant cannot find any language that teaches a
 11 "limited display area" in the cited portions or, in fact, in any other portion of
 12 Knowlton. Applicant did find several references within Knowlton that generally
 13 refer to packing icons on a display. However, none of those references is to a
 14 "limited display area." Instead, they appear to refer to any display. Specifically,
 15 see col. 41, lines 34-46. Applicant does not find any reference to a "limited display
 16 area" in Knowlton.

17 Indeed, Applicant found where Knowlton specifically refers to a "typical
 18 display." In the "Background" section of Knowlton, it discusses the problem that
 19 Knowlton is attempting to solve and its related technology. Knowlton expressly
 20 refers to the problem of "displaying such graphical representations...on a *typical*
 21 *display*" (col. 2, lines 18-23) (emphasis added).

22 Obstruct only part of the content. The Office focuses its attention on a block
 23 labeled 210 and shown in Fig. 2A of Knowlton. This block is called the "original
 24 image" within Knowlton.
 25

1 It appears that the Office equates (or analogizes) Knowlton's "original
2 image" 210 to the claimed "content viewing area" of claim 1. Applicant submits
3 that the original image 210 of Knowlton is NOT equivalent (or analogous) to a
4 "content viewing area" as claimed in claim 1. Application provides two main
5 reasons.

6 First, claim 1 recites a "...*content* viewing area..." and not just a "viewing
7 area." The original image in Knowlton does not display content. It "displays"
8 nothing. It is an image. It is not a display, a window, a screen, or anything else
9 capable of displaying. Since it cannot display anything, it cannot be an area for
10 viewing content. The original image in Knowlton is something that is displayed
11 rather than something that displays.

12 Second, Applicant respectfully submits that the Office has misinterpreted
13 Knowlton (in particular, Fig. 2A). The graphic icon 144 of Knowlton is incapable
14 of "obstructing only part of the content in the content viewing area." It does not do
15 so for several reasons, for example:

- 16 • The original image 210 of Knowlton is not a "content viewing area";
17 therefore, if the graphic icon was covering the original image 210, it
18 is NOT "in the content viewing area" as recited by claim 1;
- 19 • The Office appears to imply the graphic icon 144 of Fig. 2A of
20 Knowlton is capable of being displayed over the original image. This
21 is not true. Instead, the graphic icon represents a portion that is cut
22 away from the original image. Notice the arrow points from the box
23 in the original image to the box labeled graphic icon 144. The icon
24 is taken from the original image. It is NOT displayed over the
25 image. Nowhere in Knowlton does it say that the graphic icon is

1 displayed over the original image. Instead, Knowlton says, for
 2 example, "Graphic 44 Image 220 represents the region of Original
 3 Image 210 that has been selected...for construction of the Graphic
 4 Icon 144..." (col. 19, lines 39-41). Therefore, graphic icon 144
 5 never "...obstruct[s any part of] the content..." as recited by claim 1.

6
 7 Monteiro. Office refers to the "pull-down" menus of Monteiro to support its
 8 position that claim 1 is obvious. However, these pull-down menus are not
 9 "...configured to display a temporary graphic element over the content viewing
 10 area during times when the browser is loading content..." as recited by claim 1.
 11 Since they are pull-down menus, they will be displayed when directed to do so by a
 12 user.

13 Lack of Motivation

14 In addition, the Office failed to provide any evidence of a suggestion,
 15 teaching, or motivation to combine Blonder, Knowlton, Monteiro, and Stone. The
 16 Office has not shown any such evidence within the cited references. The Office
 17 has not shown any such evidence outside of the cited references that one of
 18 ordinary skill in the art (OOSA) would be motivated to combine the references in
 19 the manner specified by the Office.

20 In the Action, the Office supports its obviousness determination for the
 21 combination by stating multiple times that OOSA would be motivated for the
 22 reasons "noted in the previous paragraphs." Specifically, this statement is made
 23 three times.

24 The Office states that OOSA would be motivated for the reasons "noted in
 25 the previous paragraphs" the very first time in the Action that the Office combines

1 elements found in the cited references. Specifically, that is when the Office
2 combines pieces from Knowlton and Blonder at page 4, first full paragraph of the
3 Action. However, no previous paragraphs exist to contain the referenced
4 motivation.

5 Again, the same statement is made when the Office combines the
6 combination of Knowlton and Blonder with a piece Stone at page 4, paragraph 4 of
7 the Action. Yet again, the statement is made when the Office combines the
8 combination of Knowlton, Blonder, and Stone with a piece of Monteiro at page 4,
9 paragraph 2 in the Action.

10 However, Applicant cannot locate the referenced motivation anywhere in
11 the Action. The Office never explains why OOSA would be motivated to combine
12 the pieces found in each reference to form a combination as recited in claim 1.
13 Applicant respectfully submits that no such motivation exists.

14
15 Claim 6

16 This claim is directed to an information processing device. In addition to
17 that difference, this claim differs from claim 1 in other ways. For example, claim
18 6 recites, "visible content" and "the graphic element indicates to a user that the
19 browser is loading content." These features are not found in any cited reference.

20
21 Claim 11

22 This claim is directed to a method. In addition to that difference, this claim
23 differs from claim 1 in other ways. For example, claim 11 recites, "displaying
24 content in a content viewing area." This means that the content is visible. Like
25 claim 6 above, this feature is not found in any cited reference.

1
2 Claims 2-6, 7-10, and 12-16

3 Dependent claims 2-6, 7-10, and 12-16 are allowable because of their
4 dependence from allowable base claims (1, 6, and 11), and for additionally recited
5 features that are not shown by the cited references in the context defined by the
6 base claims. These claims are allowable whether their base claims are allowable
7 or not.

8 Claims 2, 5, 7, 10, 12, and 15

9 Claims 2, 5, 7, 10, 12, and 15 include a feature where the temporary graphic
10 element is animated. The Office states that this feature is obvious because Blonder
11 suggests such animation. However, Applicant submits that Blonder does not
12 suggest this. Rather, Blonder discloses use of animated *content*. The "...graphic
13 element..." of these claims is "...not content..."; therefore, Blonder does not
14 suggest the use of an animated graphic element that is not content.

15 If the Office maintains its rejection of these claims based upon the animated
16 content of Blonder, Applicant requests that the Office explain how the content of
17 Blonder is equivalent to the non-content of the graphic element of these claims.
18

19 Claims 3, 8, and 13

20 Claims 3, 8, and 13 recite that the temporary graphic element is displayed
21 "...in a corner of the content viewing area...." In addressing these claims, the
22 Office mentions that using a corner "is a well known feature of Windows
23 windowing and graphical icons, such as mentioned in Knowlton et al. See column
24 26, lines 60-64." Applicant cannot find any suggestion in the Knowlton that
25

1 establish the obviousness of using a corner of a "...content viewing area..." to
 2 display a "...temporary graphics element..." when "...loading content..."

3 Regardless whether it is well known or not, Applicant submits that it is not
 4 generally known to place a graphic element in the corner of a "...*content viewing*
 5 *area...*" instead of the corner of the *window*. This feature is illustrated at element
 6 64 of Fig. 3 of the application. Note that element 64 is not part of the window
 7 itself. Rather, it is over the content viewing area. There is nothing in the cited
 8 references to suggest that a corner of a content viewing area should be used for a
 9 graphics element such as the one claimed.

10 If the Office maintains its rejection of these claims, Applicant requests that
 11 the Office explain how use of a corner of a window is equivalent to use of the
 12 corner of a "...content viewing area..." as recited in these claims.

13 Claims 4, 5, 9, 10, 14, and 15

14 Claims 4, 5, 9, 10, 14, and 15 recite that the temporary graphic element is
 15 presented "...within a temporary window in a windowing operating
 16 environment..." Although the Office may have established the achievability of
 17 this feature, it has not established any *suggestion or motivation for actually*
 18 *implementing it*. There is no indication in the cited references that anyone has ever
 19 considered using a "window" to display a graphics element such as this when
 20 content is loading.

21 The Office specifically refers to icon 144 of Figure 2A of Knowlton.
 22 Nowhere in Knowlton does it suggest that icon 144 be presented "...within a
 23 temporary window..." See the above discussion of Knowlton with respect to
 24 claim 1.
 25

Claim 16

The Office states that computer readable storage medium is well known in the art of computers. This may or may not be true. Regardless, claim 16 is allowable because it is dependent from an allowable base claim, claim 11.

Claims 17-30

On page 6 of the Action, the Office states the following (and only the following) to support its obviousness rejection of claims 17-30:

"In regard to claims 17-24, these claims are of similar scope to claims 1-16. For the reasons stated in the rejections of claims 1-16, claims 17-24 are not patentable.

In regard to claims 25-30, such "load status" [handling] is taught by Stone (column 7, lines 6-14, i.e. "busy" signal to indicate loading)."

Claims 17-30 include elements that are different from claims 1-16 and/or include limitations that do not exist in claims 1-16.

Applicant submits that these two paragraphs fail to provide the requisite support for the Office's conclusion that claims 17-30 are unpatentable because of obviousness. Therefore, the Office has failed to establish its *prima facie* case that these claims are unpatentable.

Claims 17-24.

Despite the Office's statement that these claims are of "similar scope" to claims 1-16, Applicant submits that these claims are not. Furthermore, Applicant respectfully submits that similarity of scope is not a valid ground for a rejection.

1 Claim 17. This claim is dependent from claim 1. This claim specifically
2 recites, "the temporary graphic element [displays] over the content viewing area
3 *only during times when the browser is loading visible content*" (emphasis added).
4 None of the cited references contains this feature. In particular, note the bolded
5 and italicized words, "only" and "visible." These limitations are not found in any
6 cited reference. In the Action, the Office did not address this.

7 Claim 18. This claim is dependent from claim 1. This claim specifically
8 recites, "the temporary graphic element indicates to a user that the browser is
9 loading content." None of the cited references contains this feature. In the Action,
10 the Office did not address this.

11 Claim 23. This claim is dependent from claim 11 and is similar to claim 18.
12 This claim specifically recites, "the temporary graphic element indicates to a user
13 that the loading step is being performed." None of the cited references contains
14 this feature. In the Action, the Office did not address this.

15 Claims 19 and 21. Claim 19 is dependent from claim 1 and claim 21 is
16 dependent from claim 6. Specifically, these claims recite, "the temporary graphic
17 element [disappearing] when the browser's loading of content is complete to
18 indicate to a user that such loading of content is complete." None of the cited
19 references contains this feature. In the Action, the Office did not address this.

20 Claim 24. This claim is dependent from claim 11 and is similar to claims
21 19 and 21. This claim specifically recites, "removing the temporary graphic
22 element once the loading step is complete to indicate to a user that the loading step
23 is complete." None of the cited references contains this feature. In the Action, the
24 Office did not address this.

1 Claim 20 and 22. Claim 20 is dependent from claim 6 and claim 22 is
 2 dependent from claim 11. Each claim recites the same feature. Specifically, they
 3 recite, “the temporary graphic element is not content.” This feature is included in
 4 claim 1; therefore, the Action addressed this feature. See Applicant’s comments
 5 about this feature in its discussion of claim 1 above.

6
 7 Claims 25-30.

8 These claims focus on the status of the browser, but they are worded
 9 differently from claims 1-16. They include different elements and limitations.

10 The Office indicates that Stone supports its position that these claims are
 11 obvious. Applicant respectfully submits that Stone does not provide the requisite
 12 support. The “DownloadBegin” and “DownloadComplete” events described in the
 13 cited portion of Stone are program-control events. These are used by application
 14 programs to determine when to perform a programmed action. This is not a
 15 displayed “load status” graphic element.

16 Stone says that it provides “...functionality of a web browser to application
 17 programs” (col. 5, line 66 through col. 6, line 1); and “...programmers can
 18 incorporate this control...” (col. 6, line 5). In col. 6, lines 45-50, Stone explains
 19 the events listed in Table 2. Table 2 includes the “DownloadBegin” and
 20 “DownloadComplete” events cited in the Action. Stone explains that these events
 21 are notification messages to the control’s programming interfaces.

22 Applicant submits that Stone does not disclose, suggest, teach, or motivate
 23 one of ordinary skill in the art to display a “load status” of a browser is NOT
 24 displayed by a graphic element.
 25

1 Claim 25. This claim is dependent from claim 1. This claim specifically
2 recites, "the temporary graphic element conveys status information of the
3 browser." None of the cited references contains this feature.

4 Claims 26-30. Applicant submits that these claims are worded differently
5 and have a different scope of coverage than claims 1-24. However, the Action did
6 not provide any information regarding a thorough examination of these claims
7 independent from claims 1-24. Applicant formally requests an examination of
8 these claims, which is independent of an examination of claims 1-24.

9 Claims 26 and 28. These claims are independent. These claims describe a
10 method (or medium with instructions executing such a method) of indicating a
11 content "load status" that is not found in any of the cited references.

12 Claims 27 and 29. These claims are dependent from claims 26 and 28,
13 respectively. These claims describe an additional step to a method (or medium
14 with instruction executing such a method) of indicating a content "load status" that
15 is not found in any of the cited references. The step involves "removing the "load
16 status" graphic element to reveal the part of the content in the content viewing area
17 that the graphic element obstructed when the element was displayed."

18 Claim 30. This claim is independent. This claim describes a hypermedia
19 browser (of an information processing devices) that is configured to operating in
20 at least two modes: content-loading and content-loaded. The claim describes the
21 modes in detail. None of the cited references includes the features of this claim.

22 Accordingly, Applicant submits that all of the pending claims in a condition
23 for allowance. Applicant asks the Office with withdraw its rejections and allow all
24 pending claims.
25

1 **Amendments to the Claims**

2 Applicant amends claim 26. The purpose of this amendment is to further
3 clarify the invention. Applicant expressly grants permission to the Office to re-
4 interpret all pending claims of this application.

5
6 **Formal Request for an Interview**

7 Applicant expects the above comments to be persuasive. If not, however,
8 Applicant formally requests a telephonic interview in order to discuss whether any
9 further progress can be made towards allowance of this case. Thus, the
10 undersigned would appreciate a telephone call before issuing a subsequent Action.

11 Please contact the undersigned to schedule a telephonic interview that is
12 convenient to the Examiner. Applicant hopes that an oral discussion can help us
13 achieve our common goal, which is speedy completion of prosecution of this
14 application.


1 Conclusion

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests consideration and prompt issuance of all claims of this application.
4

5
6 Respectfully Submitted,

7
8 Dated: 12-1-00

9 By:


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Application Serial No.08/851,877
 Filing Date5/6/97
 InventorshipShell et al.
 ApplicantMicrosoft Corporation
 Group Art Unit2171
 ExaminerJung, D.
 Attorney's Docket No.MS1-161US
 Title: Loading Status in a Hypermedia Browser Having a Limited Available
 Display Area

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 7/5/0

RESPONSE TO FINAL OFFICE ACTION DATED FEBURARY 27, 2001**UNDER 37 C.F.R. § 1.116**

To: Commissioner of Patents and Trademarks,
 Washington, D.C. 20231

From: Kasey C. Christie (Tel. 509-324-9256 x232; Fax 509-323-8979)
 Customer No. 22801

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In the Claims**Claims pending**

- At time of the Action: Claims 1-30.
- After this Response: Claims 1-42.

Canceled claims: None.**Amended claims:** Claim 1, 6, 11, 26, 28 and 30.**New claims:** Claims 31-42.

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 02 FC:115 24 110.00 OP

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All Pending Claims:**(in Clear Form, in accordance with 37 CFR §1.121):**

Please amend claims 1, 6, 11, 26, 28 and 30 and add claims 31-42 as indicated below:

1. (Amended) A hypermedia browser embodied on a computer-readable medium for execution on an information processing device having a limited display area, wherein the hypermedia browser has a content viewing area for viewing content and is configured to display a temporary graphic element over the content viewing area during times when the browser is loading content, wherein the temporary graphic element is positioned over the content viewing area to obstruct only part of the content in the content viewing area, wherein the temporary graphic element is not content and wherein content comprises data for presentation which is from a source external to the browser.

2. A hypermedia browser as recited in claim 1, wherein the temporary graphic element is animated.

3. A hypermedia browser as recited in claim 1, wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.

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1 4. A hypermedia browser as recited in claim 1, wherein the hypermedia
2 browser presents the temporary graphic element within a temporary window in a
3 windowing operating environment.

4
5 5. A hypermedia browser as recited in claim 1, wherein:
6 the temporary graphic element is animated; and
7 the hypermedia browser presents the temporary graphic element within a
8 temporary window in a windowing operating environment.

9
10 6. (Amended) An information processing device comprising:
11 a processor;
12 a display;
13 a hypermedia browser executing on the processor to load and display
14 content in a content viewing area on the display;
15 wherein the hypermedia browser displays a temporary graphic element over
16 the content viewing area during times when the browser is loading visible content;
17 wherein the temporary graphic element is positioned only over a portion of
18 the content viewing area and obstructs only part of the visible content in the
19 content viewing area; and
20 wherein the temporary graphic element indicates to a user that the browser
21 is loading content and content comprises data for presentation which is from a
22 source external to the browser.

23
24 7. An information processing device as recited in claim 6, wherein the
25 temporary graphic element is animated.

1
2 8. An information processing device as recited in claim 6, wherein the
3 hypermedia browser displays the temporary graphic element in a corner of the
4 content viewing area.

5
6 9. An information processing device as recited in claim 6, wherein the
7 hypermedia browser displays the temporary graphic element within a temporary
8 window in a windowing operating environment.

9
10 10. An information processing device as recited in claim 6, wherein:
11 the temporary graphic element is animated; and
12 the hypermedia browser displays the temporary graphic element within a
13 temporary window in a windowing operating environment.

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11. (Amended) A method of browsing a hyperlink resource, comprising the following steps:

loading content from the hyperlink resource in response to user selection of hyperlinks contained in said content;

displaying the content in a content viewing area;

displaying a temporary graphic element over the content viewing area during the loading step, wherein the temporary graphic element obstructs only part of the content in the content viewing area;

wherein the loading, the content displaying, and the temporary graphic element displaying steps occur at least partially concurrently; and

wherein content comprises data for presentation which is from a source external to the browser.

12. A method as recited in claim 11, further comprising an additional step of animating the temporary graphic element.

13. A method as recited in claim 11, wherein the displaying step includes displaying the temporary graphic element in a corner of the content viewing area.

14. A method as recited in claim 11, wherein the displaying step includes displaying the temporary graphic element within a temporary window in a windowing operating environment.

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1 **15.** A method as recited in claim 11, further comprising an additional
2 step of animating the temporary graphic element, wherein the displaying step
3 includes displaying the temporary graphic element within a temporary window in a
4 windowing operating environment.

5
6 **16.** A computer-readable storage medium containing instructions that are
7 executable for performing the steps recited in claim 11.

8
9 **17.** A hypermedia browser as recited in claim 1, wherein the browser is
10 configured to display the temporary graphic element over the content viewing area
11 only during times when the browser is loading visible content.

12
13 **18.** A hypermedia browser as recited in claim 1, wherein the temporary
14 graphic element indicates to a user that the browser is loading content.

15
16 **19.** A hypermedia browser as recited in claim 1, wherein the temporary
17 graphic element disappears when the browser's loading of content is complete to
18 indicate to a user that such loading of content is complete.

19 **20.** An information processing device as recited in claim 6, wherein the
20 temporary graphic element is not content.

21
22 **21.** An information processing device as recited in claim 6, wherein the
23 temporary graphic element disappears when the browser's loading of content is
24 complete to indicate to a user that such loading of content is complete.
25

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1 22. A method as recited in claim 11, wherein the temporary graphic
2 element is not content.

3 23. A method as recited in claim 11, wherein the temporary graphic
4 element indicates to a user that the loading step is being performed.
5

6 24. A method as recited in claim 11, further comprising removing the
7 temporary graphic element once the loading step is complete to indicate to a user
8 that the loading step is complete.
9

10 25. A hypermedia browser as recited in claim 1, wherein the temporary
11 graphic element conveys status information of the browser.
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26. (Twice Amended) A method of indicating a content "load status" of a hypermedia browser having a content viewing area for viewing content, the method comprising:

displaying loaded content within the content viewing area of a screen of a hypermedia browser, the screen being without a "load status" graphic element, wherein a "load status" graphic element indicates a current content load status of the hypermedia browser;

receiving an instruction to load new content into the content viewing area;

loading such new content into the content viewing area; and

while loading, displaying a "load status" graphic element over the content viewing area so that the graphic element obstructs only part of the content in such content viewing area; and

wherein content comprises data for presentation which is from a source external to the browser.

27. A method as recited in claim 26 further comprising, upon completion of the loading, removing the "load status" graphic element to reveal the part of the content in the content viewing area that the graphic element obstructed when the element was displayed.

1 28. (Amended) A computer-readable medium having computer-
 2 executable instructions that, when executed by a computer, perform a method of
 3 indicating a content "load status" of a hypermedia browser having a content
 4 viewing area for viewing content, the method comprising:

5 displaying loaded content within the content viewing area of a screen of a
 6 hypermedia browser, the screen is without a "load status" graphic element,
 7 wherein a "load status" graphic element indicates a current content load status of
 8 the hypermedia browser;

9 receiving an instruction to load new content into the content viewing area;

10 loading such new content into the content viewing area; and

11 while loading, displaying a "load status" graphic element over the content
 12 viewing area so that the graphic element obstructs only part of the content in such
 13 content viewing area; and

14 wherein content comprises data for presentation which is from a source
 15 external to the browser.

16
 17 29. A computer-readable medium as recited in claim 28 further having
 18 additional computer-executable instructions that perform a method comprising,
 19 upon completion of the loading, removing the "load status" graphic element to
 20 reveal the part of the content in the content viewing area that the graphic element
 21 obstructed when the element was displayed.
 22
 23
 24
 25

1 30. (Amended) An information processing device comprising:
 2 a processor;
 3 a display;
 4 a hypermedia browser executing on the processor to load and display
 5 content in a content viewing area on the display;
 6 wherein the hypermedia browser is configured to operate in a content-
 7 loading mode and a content-loaded mode;
 8 in the content-loaded mode, the hypermedia browser displays loaded
 9 content in the content viewing area and no "load status" graphic element is
 10 displayed, wherein absence of such "load status" graphic element indicates that the
 11 browser is in the content-loaded mode;
 12 in the content-loading mode, the hypermedia browser loads content,
 13 displays such content in the content viewing area as it loads, and displays a "load
 14 status" graphic element over the content view area obstructing part of the content
 15 displayed in the content viewing area, wherein presence of such "load status"
 16 graphic element indicates that the browser is in the content-loading mode; and
 17 wherein content comprises data for presentation which is from a source
 18 external to the browser.

E? 20 31. A hypermedia browser of claim 1, wherein content is data formatted
 21 for presentation which is selected from a group consisting of visible effects of a
 22 markup language, visible text of such a markup language, and visible results of a
 23 scripting language.
 24
 25

1 ~~11~~ 32. A hypermedia browser of claim 1, wherein content is data formatted
 2 for presentation which is selected from a group consisting of HTML, text, SGML,
 3 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
 4 scripting language for the world wide web.

5
 6 ~~17~~ 33. A hypermedia browser of claim ~~6~~¹², wherein content is data formatted
 7 for presentation which is selected from a group consisting of visible effects of a
 8 markup language, visible text of such a markup language, and visible results of a
 9 scripting language.

10
 11 ~~18~~ 34. A hypermedia browser of claim ~~6~~¹², wherein content is data formatted
 12 for presentation which is selected from a group consisting of HTML, text, SGML,
 13 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
 14 scripting language for the world wide web.

15
 16 ~~30~~ 35. A hypermedia browser of claim ~~11~~¹⁹, wherein content is data
 17 formatted for presentation which is selected from a group consisting of visible
 18 effects of a markup language, visible text of such a markup language, and visible
 19 results of a scripting language.

20
 21 ~~31~~ 36. A hypermedia browser of claim ~~11~~¹⁹, wherein content is data
 22 formatted for presentation which is selected from a group consisting of HTML,
 23 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
 24 Flash. scripting language for the world wide web.
 25

1 ³⁷ 37. A hypermedia browser of claim ³² 26, wherein content is data
 2 formatted for presentation which is selected from a group consisting of visible
 3 effects of a markup language, visible text of such a markup language, and visible
 4 results of a scripting language.

5
 6 ³⁵ 38. A hypermedia browser of claim ³² 26, wherein content is data
 7 formatted for presentation which is selected from a group consisting of HTML,
 8 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
 9 Flash. scripting language for the world wide web.

10
 11 ³⁷ 39. A hypermedia browser of claim ³⁶ 28, wherein content is data
 12 formatted for presentation which is selected from a group consisting of visible
 13 effects of a markup language, visible text of such a markup language, and visible
 14 results of a scripting language.

15
 16 ³⁸ 40. A hypermedia browser of claim ³⁶ 28, wherein content is data
 17 formatted for presentation which is selected from a group consisting of HTML,
 18 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
 19 Flash. scripting language for the world wide web.

20
 21 41. A hypermedia browser of claim ⁴⁰ 30, wherein content is data
 22 formatted for presentation which is selected from a group consisting of visible
 23 effects of a markup language, visible text of such a markup language, and visible
 24 results of a scripting language.
 25

40
42. A hypermedia browser of claim 30, wherein content is data
formatted for presentation which is selected from a group consisting of HTML,
text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
Flash. scripting language for the world wide web.

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REMARKS

Applicant respectfully requests entry of the following remarks and amendments. Also, Applicant respectfully requests reconsideration of the subject application and allowance of all pending claims.

The remarks should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

References herein to the Office Action (or simply the Action) are to the last Office Action, dated February 27, 2001, of U.S. Patent Application Serial No.08/851,877, filed 5/6/97.

Applicant expressly grants permission to the Office to re-interpret all pending claims of this application.

Prior Art Status of References

Applicant does not explicitly or implicitly admit that any reference is prior art. Nothing in this communication should be considered an acknowledgement, acceptance, or admission that any reference is considered prior art.

"Content"

Applicant states that the term "content" found in the claims comprises "data for presentation which is from a source external to the browser." Applicant states that, at the time of filing of this application, this is the plain and ordinary meaning of "content" to those of ordinary skill in the art.

Furthermore, examples of content may comprise visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language. Further still, examples of content may comprise HTML, text, SGML,

1 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
2 scripting language for the world wide web.

3 Telephone Interview

4 Applicant thanks the Examiner for talking with an attorney for the
5 Applicant, Kasey Christie, via the telephone on several occasions since the
6 issuance of the last Action. This response and amendment is in response to those
7 discussions.

8 At the Examiner's request, the focus on these discussions have been on the
9 meaning of the term "content" as it is used in the claims. With the amendments
10 and new claims provided herein, the Applicant has defined the nature of "content."

11 With respect to issues unrelated to the meaning of "content" (which were
12 not discussed with the Examiner via telephone conferences at the request of the
13 Examiner), Applicant maintains its positions stated in previous communications. In
14 particular, Applicant maintains that the Office has not established a *prima facie* of
15 obviousness. Applicant's prior remarks are reproduced here for completeness and
16 to place the application in a better position for appeal.

17 Claim Rejections – 35 USC § 103 – Obviousness

18 The Office rejects all claims under §103(a) as being unpatentable over U.S.
19 Patent No. 5,760,771 to Blonder et al. ("Blonder"), U.S. Patent No. 5,973,692 to
20 Knowlton et al. ("Knowlton"), U.S. Patent No. 5,983,005 to Monteiro et al.
21 ("Monteiro"), and U.S. Patent No. 6,101,510 to Stone et al. ("Stone"). Applicant
22 respectfully traverses the rejections.
23
24
25

Prima facie case is not established

Applicant submits that the Office has failed to establish its *prima facie* case that claims 1-30 are unpatentable because they are obvious over a combination of cited references. Applicant submits that no combination of the cited references produces combinations having all of the elements and features of claims 1-30.

Although some claims are worded differently from others (and may have different claimed elements and features), claims 1-30 recite a common core concept that does not appear in any of the cited references. The core concept is a non-content graphic element appearing over a content area that is indicative of present condition where content is being loaded into the content area.

Again, Applicant qualifies the statement of the core concept by noting that each claim is to read and interpreted on its own. The claims of this application may approach this core concept from different angles and color it with different hues.

For instance, claim 1 recites its view of the core concept this way: "...display a temporary graphic element over the content viewing area during times when the browser is loading content, wherein the temporary graphic element is positioned over the content viewing area to obstruct only part of the content in the content viewing area, wherein the temporary graphic element is not content." In this case, the display of the non-content graphic element coincides with the loading of content. Claim 18, which is dependent upon claim 1, further elaborates that the display of the non-content graphic element is indicative of the browser "...loading content."

In another instance, claim 26 recites its view of the core concept this way: "...wherein a 'load status' graphic element indicates a current content load status of the hypermedia browser..." and "...loading...new content into the content

1 viewing area; and while loading, displaying a 'load status' graphic element over
2 the content viewing area so that the graphic element obstructs only part of the
3 content in such content viewing area..."

4 In previous Actions, the Office compares Blonder's content elements to
5 non-content elements of the claims and Knowlton non-content elements to content
6 elements of the claims. Therefore, Applicant submits that an agreed understanding
7 of the term "content" will further our mutual goal, which is speedy completion of
8 prosecution of this application. Applicant submits that those who are skilled in the
9 art of hypermedia browsers and related fields intuitively understand the concept of
10 "content."

11 Before the submission of Applicant's Preliminary Amendment dated July
12 17, 2000, the Examiner and an attorney for the Applicant, Kasey Christie,
13 discussed the meaning of "content" over the telephone. As a result of that
14 discussion, the Office found and cited Monteiro—in particular, Fig. 19 of
15 Monteiro. This figure illustrates traditional "pull-down" menus in a windowing
16 environment, which may be displayed over the content of a hypermedia browser.
17 Traditional "pull-down" menus are not content.

18 Applicant respectfully submits that the Office's reference to Fig. 19 of
19 Monteiro in the Action seems to indicate an agreement regarding the meaning of
20 "content" within the context of Applicant's application. However, instead of
21 withdrawing Blonder and Knowlton, the Office maintains the same rejections
22 based upon Blonder and Knowlton, but the Office now combines Stone and
23 Monteiro with them.

24 Applicant submits that the cited references do not disclose what the Office
25 says that they do. Applicant submits that the Office equates content in cited

1 references to claimed non-content. In addition, Applicant submits that the Office
2 equates non-content in cited references to claimed content.

3 Furthermore, the Office supports rejections of claims 17-24 based upon
4 their similarity of scope with rejected claims 1-16. However, Applicant submits
5 that the wording and approach of claims 17-24 are different from claims 1-16. As
6 such, Applicant submits that claims 17-24 should be examined independently of
7 claims 1-16. Applicant respectfully submits that, with regard to claims 17-24, the
8 Office has failed to establish its *prima facie* case because it has not examined these
9 claims.

11 **Claims 1-16**

12 The Office equates claims sets 1-5, 6-10, and 11-15 to each other.
13 Applicant respectfully submits that they are not equivalent. The independent
14 claims (1, 6, and 11) of each set are different from each other.

16 Claim 1

17 The Office states that claim 1 is obvious because all of the claimed features
18 and elements of claim are found in a combination of Blonder, Knowlton,
19 Monteiro, and Stone.

20 Applicant submits that Office has not made a *prima facie* case of
21 obviousness for claim 1. The cited references do not include elements that the
22 Office indicates that they do. Furthermore, the combination of the cited references
23 does not include all of the claimed elements of claim 1.

24 The Office states that Blonder shows many of the features of claim 1.
25 Applicant disagrees.

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1 Blonder's Padding is Content. Claim 1 recites that the "...temporary
 2 graphic element is not content..." The Office equates Blonder's "padding" with
 3 Applicant's "...temporary graphic element..." However, Applicant submits that
 4 the "padding" is not equivalent because Blonder's *padding is content*. At col. 3,
 5 lines 34-36, Blonder states that the padding "is predetermined content." Blonder
 6 states that it's padding is content.

7 Knowlton. To support its proposition that Knowlton teaches the "limited
 8 display area" and the "obstruct only part of the content" features, the Office cites
 9 the Abstract of Knowlton; col. 26, lines 20-64, especially lines 60-64; and col. 42,
 10 lines 30-34. However, Applicant submits that Knowlton does not teach either of
 11 these features.

12 Limited Display Area. Applicant cannot find any language that teaches a
 13 "limited display area" in the cited portions or, in fact, in any other portion of
 14 Knowlton. Applicant did find several references within Knowlton that generally
 15 refer to packing icons on a display. However, none of those references is to a
 16 "limited display area." Instead, they appear to refer to any display. Specifically,
 17 see col. 41, lines 34-46. Applicant does not find any reference to a "limited display
 18 area" in Knowlton.

19 Indeed, Applicant found where Knowlton specifically refers to a "typical
 20 display." In the "Background" section of Knowlton, it discusses the problem that
 21 Knowlton is attempting to solve and its related technology. Knowlton expressly
 22 refers to the problem of "displaying such graphical representations...on a *typical*
 23 *display*" (col. 2, lines 18-23) (emphasis added).

1 Obstruct only part of the content. The Office focuses its attention on a block
2 labeled 210 and shown in Fig. 2A of Knowlton. This block is called the “original
3 image” within Knowlton.

4 It appears that the Office equates (or analogizes) Knowlton’s “original
5 image” 210 to the claimed “content viewing area” of claim 1. Applicant submits
6 that the original image 210 of Knowlton is NOT equivalent (or analogous) to a
7 “content viewing area” as claimed in claim 1. Application provides two main
8 reasons.

9 First, claim 1 recites a “...content viewing area...” and not just a “viewing
10 area.” The original image in Knowlton does not display content. It “displays”
11 nothing. It is an image. It is not a display, a window, a screen, or anything else
12 capable of displaying. Since it cannot display anything, it cannot be an area for
13 viewing content. The original image in Knowlton is something that is displayed
14 rather than something that displays.

15 Second, Applicant respectfully submits that the Office has misinterpreted
16 Knowlton (in particular, Fig. 2A). The graphic icon 144 of Knowlton is incapable
17 of “obstructing only part of the content in the content viewing area.” It does not do
18 so for several reasons, for example:

- 19 • The original image 210 of Knowlton is not a “content viewing area”;
20 therefore, if the graphic icon was covering the original image 210, it
21 is NOT “in the content viewing area” as recited by claim 1;
- 22 • The Office appears to imply the graphic icon 144 of Fig. 2A of
23 Knowlton is capable of being displayed over the original image. This
24 is not true. Instead, the graphic icon represents a portion that is cut
25 away from the original image. Notice the arrow points from the box

1 in the original image to the box labeled graphic icon 144. The icon
 2 is taken from the original image. It is NOT displayed over the
 3 image. Nowhere in Knowlton does it say that the graphic icon is
 4 displayed over the original image. Instead, Knowlton says, for
 5 example, "Graphic 44 Image 220 represents the region of Original
 6 Image 210 that has been selected...for construction of the Graphic
 7 Icon 144..." (col. 19, lines 39-41). Therefore, graphic icon 144
 8 never "...obstruct[s any part of] the content..." as recited by claim 1.
 9

10 Monteiro. Office refers to the "pull-down" menus of Monteiro to support its
 11 position that claim 1 is obvious. However, these pull-down menus are not
 12 "...configured to display a temporary graphic element over the content viewing
 13 area during times when the browser is loading content..." as recited by claim 1.
 14 Since they are pull-down menus, they will be displayed when directed to do so by a
 15 user.

16 Lack of Motivation

17 In addition, the Office failed to provide any evidence of a suggestion,
 18 teaching, or motivation to combine Blonder, Knowlton, Monteiro, and Stone. The
 19 Office has not shown any such evidence within the cited references. The Office
 20 has not shown any such evidence outside of the cited references that one of
 21 ordinary skill in the art (OOSA) would be motivated to combine the references in
 22 the manner specified by the Office.

23 In the Action, the Office supports its obviousness determination for the
 24 combination by stating multiple times that OOSA would be motivated for the
 25

1 reasons "noted in the previous paragraphs." Specifically, this statement is made
2 three times.

3 The Office states that OOSA would be motivated for the reasons "noted in
4 the previous paragraphs" the very first time in the Action that the Office combines
5 elements found in the cited references. Specifically, that is when the Office
6 combines pieces from Knowlton and Blonder at page 4, first full paragraph of the
7 Action. However, no previous paragraphs exist to contain the referenced
8 motivation.

9 Again, the same statement is made when the Office combines the
10 combination of Knowlton and Blonder with a piece Stone at page 4, paragraph 4 of
11 the Action. Yet again, the statement is made when the Office combines the
12 combination of Knowlton, Blonder, and Stone with a piece of Monteiro at page 4,
13 paragraph 2 in the Action.

14 However, Applicant cannot locate the referenced motivation anywhere in
15 the Action. The Office never explains why OOSA would be motivated to combine
16 the pieces found in each reference to form a combination as recited in claim 1.
17 Applicant respectfully submits that no such motivation exists.

18
19 Claim 6

20 This claim is directed to an information processing device. In addition to
21 that difference, this claim differs from claim 1 in other ways. For example, claim
22 6 recites, "visible content" and "the graphic element indicates to a user that the
23 browser is loading content." These features are not found in any cited reference.
24
25

Claim 11

This claim is directed to a method. In addition to that difference, this claim differs from claim 1 in other ways. For example, claim 11 recites, "displaying content in a content viewing area." This means that the content is visible. Like claim 6 above, this feature is not found in any cited reference.

Claims 2-6, 7-10, and 12-16

Dependent claims 2-6, 7-10, and 12-16 are allowable because of their dependence from allowable base claims (1, 6, and 11), and for additionally recited features that are not shown by the cited references in the context defined by the base claims. These claims are allowable whether their base claims are allowable or not.

Claims 2, 5, 7, 10, 12, and 15

Claims 2, 5, 7, 10, 12, and 15 include a feature where the temporary graphic element is animated. The Office states that this feature is obvious because Blonder suggests such animation. However, Applicant submits that Blonder does not suggest this. Rather, Blonder discloses use of animated *content*. The "...graphic element..." of these claims is "...not content..."; therefore, Blonder does not suggest the use of an animated graphic element that is not content.

If the Office maintains its rejection of these claims based upon the animated content of Blonder, Applicant requests that the Office explain how the content of Blonder is equivalent to the non-content of the graphic element of these claims.

1 Claims 3, 8, and 13

2 Claims 3, 8, and 13 recite that the temporary graphic element is displayed
 3 “...in a corner of the content viewing area....” In addressing these claims, the
 4 Office mentions that using a corner “is a well known feature of Windows
 5 windowing and graphical icons, such as mentioned in Knowlton et al. See column
 6 26, lines 60-64.” Applicant cannot find any suggestion in the Knowlton that
 7 establish the obviousness of using a corner of a “...content viewing area...” to
 8 display a “...temporary graphics element...” when “...loading content....”

9 Regardless whether it is well known or not, Applicant submits that it is not
 10 generally known to place a graphic element in the corner of a “...content viewing
 11 area...” instead of the corner of the *window*. This feature is illustrated at element
 12 64 of Fig. 3 of the application. Note that element 64 is not part of the window
 13 itself. Rather, it is over the content viewing area. There is nothing in the cited
 14 references to suggest that a corner of a content viewing area should be used for a
 15 graphics element such as the one claimed.

16 If the Office maintains its rejection of these claims, Applicant requests that
 17 the Office explain how use of a corner of a window is equivalent to use of the
 18 corner of a “...content viewing area...” as recited in these claims.

19 Claims 4, 5, 9, 10, 14, and 15

20 Claims 4, 5, 9, 10, 14, and 15 recite that the temporary graphic element is
 21 presented “...within a temporary window in a windowing operating
 22 environment....” Although the Office may have established the achievability of
 23 this feature, it has not **established** any *suggestion or motivation for actually*
 24 *implementing it*. There is no indication in the cited references that anyone has ever
 25

1 considered using a "window" to display a graphics element such as this when
2 content is loading.

3 The Office specifically refers to icon 144 of Figure 2A of Knowlton.
4 Nowhere in Knowlton does it suggest that icon 144 be presented "...within a
5 temporary window...." See the above discussion of Knowlton with respect to
6 claim 1.

7 Claim 16

8 The Office states that computer readable storage medium is well known in
9 the art of computers. This may or may not be true. Regardless, claim 16 is
10 allowable because it is dependent from an allowable base claim, claim 11.

11 **Claims 17-30**

12 On page 6 of the Action, the Offices states the following (and only the
13 following) to support its obviousness rejection of claims 17-30:

14 "In regard to claims 17-24, these claims are of similar scope
15 to claims 1-16. For the reasons stated in the rejections of claims 1-
16 16, claims 17-24 are not patentable.

17 In regard to claims 25-30, such "load status" [handling] is
18 taught by Stone (column 7, lines 6-14, i.e. "busy" signal to indicate
19 loading)."

20 Claims 17-30 include elements that are different from claims 1-16 and/or
21 include limitations that do not exist in claims 1-16.

22 Applicant submits that these two paragraphs fail to provide the requisite
23 support for the Office's conclusion that claims 17-30 are unpatentable because of
24
25

1 obviousness. Therefore, the Office has failed to establish its *prima facie* case that
 2 these claims are unpatentable.

3
 4 Claims 17-24.

5 Despite the Office's statement that these claims are of "similar scope" to
 6 claims 1-16, Applicant submits that these claims are not. Furthermore, Applicant
 7 respectfully submits that similarity of scope is not a valid ground for a rejection.

8 Claim 17. This claim is dependent from claim 1. This claim specifically
 9 recites, "the temporary graphic element [displays] over the content viewing area
 10 *only during times when the browser is loading visible content*" (emphasis added).
 11 None of the cited references contains this feature. In particular, note the bolded
 12 and italicized words, "only" and "visible." These limitations are not found in any
 13 cited reference. In the Action, the Office did not address this.

14 Claim 18. This claim is dependent from claim 1. This claim specifically
 15 recites, "the temporary graphic element indicates to a user that the browser is
 16 loading content." None of the cited references contains this feature. In the Action,
 17 the Office did not address this.

18 Claim 23. This claim is dependent from claim 11 and is similar to claim 18.
 19 This claim specifically recites, "the temporary graphic element indicates to a user
 20 that the loading step is being performed." None of the cited references contains
 21 this feature. In the Action, the Office did not address this.

22 Claims 19 and 21. Claim 19 is dependent from claim 1 and claim 21 is
 23 dependent from claim 6. Specifically, these claims recite, "the temporary graphic
 24 element [disappearing] when the browser's loading of content is complete to
 25

1 indicate to a user that such loading of content is complete.” None of the cited
2 references contains this feature. In the Action, the Office did not address this.

3 Claim 24. This claim is dependent from claim 11 and is similar to claims
4 19 and 21. This claim specifically recites, “removing the temporary graphic
5 element once the loading step is complete to indicate to a user that the loading step
6 is complete.” None of the cited references contains this feature. In the Action, the
7 Office did not address this.

8 Claim 20 and 22. Claim 20 is dependent from claim 6 and claim 22 is
9 dependent from claim 11. Each claim recites the same feature. Specifically, they
10 recite, “the temporary graphic element is not content.” This feature is included in
11 claim 1; therefore, the Action addressed this feature. See Applicant’s comments
12 about this feature in its discussion of claim 1 above.

13
14 Claims 25-30.

15 These claims focus on the status of the browser, but they are worded
16 differently from claims 1-16. They include different elements and limitations.

17 The Office indicates that Stone supports its position that these claims are
18 obvious. Applicant respectfully submits that Stone does not provide the requisite
19 support. The “DownloadBegin” and “DownloadComplete” events described in the
20 cited portion of Stone are program-control events. These are used by application
21 programs to determine when to perform a programmed action. This is not a
22 displayed “load status” graphic element.

23 Stone says that it provides “...functionality of a web browser to application
24 programs” (col. 5, line 66 through col. 6, line 1); and “...programmers can
25 incorporate this control...” (col. 6, line 5). In col. 6, lines 45-50, Stone explains

1 the events listed in Table 2. Table 2 includes the "DownloadBegin" and
 2 "DownloadComplete" events cited in the Action. Stone explains that these events
 3 are notification messages to the control's programming interfaces.

4 Applicant submits that Stone does not disclose, suggest, teach, or motivate
 5 one of ordinary skill in the art to display a "load status" of a browser is NOT
 6 displayed by a graphic element.

7 Claim 25. This claim is dependent from claim 1. This claim specifically
 8 recites, "the temporary graphic element conveys status information of the
 9 browser." None of the cited references contains this feature.

10 Claims 26-30. Applicant submits that these claims are worded differently
 11 and have a different scope of coverage than claims 1-24. However, the Action did
 12 not provide any information regarding a thorough examination of these claims
 13 independent from claims 1-24. Applicant formally requests an examination of
 14 these claims, which is independent of an examination of claims 1-24.

15 Claims 26 and 28. These claims are independent. These claims describe a
 16 method (or medium with instructions executing such a method) of indicating a
 17 content "load status" that is not found in any of the cited references.

18 Claims 27 and 29. These claims are dependent from claims 26 and 28,
 19 respectively. These claims describe an additional step to a method (or medium
 20 with instruction executing such a method) of indicating a content "load status" that
 21 is not found in any of the cited references. The step involves "removing the "load
 22 status" graphic element to reveal the part of the content in the content viewing area
 23 that the graphic element obstructed when the element was displayed."

24 Claim 30. This claim is independent. This claim describes a hypermedia
 25 browser (of an information processing devices) that is configured to operating in

1 at least two modes: content-loading and content-loaded. The claim describes the
2 modes in detail. None of the cited references includes the features of this claim.

3 Accordingly, Applicant submits that all of the pending claims in a condition
4 for allowance. Applicant asks the Office with withdraw its rejections and allow all
5 pending claims.

6
7 **Formal Request for an Interview**

8 Applicant expects the above comments to be persuasive. If not, however,
9 Applicant formally requests a telephonic interview in order to discuss whether any
10 further progress can be made towards allowance of this case. Thus, the
11 undersigned would appreciate a telephone call before issuing a subsequent Action.

12 Please contact the undersigned to schedule a telephonic interview that is
13 convenient to the Examiner. Applicant hopes that an oral discussion can help us
14 achieve our common goal, which is speedy completion of prosecution of this
15 application.
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1 Conclusion

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt issuance of the application. If any issues
4 remain that prevent issuance of this application, the Office is urged to contact the
5 undersigned attorney before issuing a subsequent Action.

6
7 Respectfully Submitted,

8
9 Dated: 6-26-01

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Application Serial No.08/851,877
Filing Date5/6/97
InventorshipShell et al.
ApplicantMicrosoft Corporation
Group Art Unit2171
ExaminerJung, D.
Attorney's Docket No.MS1-161US
Title: Loading Status in a Hypermedia Browser Having a Limited Available
Display Area

#18/F
8-28-01
B. Hilliard

PRELIMINARY AMENDMENT

RECEIVED
AUG 22 2001
Technology Center 2100

To: Commissioner of Patents and Trademarks,
Washington, D.C. 20231

From: Kasey C. Christie (Tel. 509-324-9256 x232; Fax 509-323-8979)
Customer No. 22801

In the Claims

Claims pending

- At time of the Action: Claims 1-30.
- After this Response: Claims 1-42.

Canceled claims: None.

Amended claims: Claim 1, 6, 11, 26, 28 and 30.

New claims: Claims 31-42.

All Pending Claims:**(in Clear Form, in accordance with 37 CFR §1.121):**

Please amend claims 1, 6, 11, 26, 28 and 30 and add claims 31-42 as indicated below:

1. (Amended) A hypermedia browser embodied on a computer-readable medium for execution on an information processing device having a limited display area, wherein the hypermedia browser has a content viewing area for viewing content and is configured to display a temporary graphic element over the content viewing area during times when the browser is loading content, wherein the temporary graphic element is positioned over the content viewing area to obstruct only part of the content in the content viewing area, wherein the temporary graphic element is not content and wherein content comprises data for presentation which is from a source external to the browser.

2. A hypermedia browser as recited in claim 1, wherein the temporary graphic element is animated.

3. A hypermedia browser as recited in claim 1, wherein the hypermedia browser displays the temporary graphic element in a corner of the content viewing area.

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1 4. A hypermedia browser as recited in claim 1, wherein the hypermedia
2 browser presents the temporary graphic element within a temporary window in a
3 windowing operating environment.

4
5 5. A hypermedia browser as recited in claim 1, wherein:
6 the temporary graphic element is animated; and
7 the hypermedia browser presents the temporary graphic element within a
8 temporary window in a windowing operating environment.

9
10 ¹²6. (Amended) An information processing device comprising:
11 a processor;
12 a display;
13 a hypermedia browser executing on the processor to load and display
14 content in a content viewing area on the display;
15 wherein the hypermedia browser displays a temporary graphic element over
16 the content viewing area during times when the browser is loading visible content;
17 wherein the temporary graphic element is positioned only over a portion of
18 the content viewing area and obstructs only part of the visible content in the
19 content viewing area; and
20 wherein the temporary graphic element indicates to a user that the browser
21 is loading content and content comprises data for presentation which is from a
22 source external to the browser.

23
24 7. An information processing device as recited in claim 6, wherein the
25 temporary graphic element is animated.

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1
2 8. An information processing device as recited in claim 6, wherein the
3 hypermedia browser displays the temporary graphic element in a corner of the
4 content viewing area.

5
6 9. An information processing device as recited in claim 6, wherein the
7 hypermedia browser displays the temporary graphic element within a temporary
8 window in a windowing operating environment.

9
10 10. An information processing device as recited in claim 6, wherein:
11 the temporary graphic element is animated; and
12 the hypermedia browser displays the temporary graphic element within a
13 temporary window in a windowing operating environment.

11. (Amended) A method of browsing a hyperlink resource,
comprising the following steps:

loading content from the hyperlink resource in response to user selection of
hyperlinks contained in said content;

displaying the content in a content viewing area;

displaying a temporary graphic element over the content viewing area
during the loading step, wherein the temporary graphic element obstructs only part
of the content in the content viewing area;

wherein the loading, the content displaying, and the temporary graphic
element displaying steps occur at least partially concurrently; and

wherein content comprises data for presentation which is from a source
external to the browser.

12. A method as recited in claim 11, further comprising an additional
step of animating the temporary graphic element.

13. A method as recited in claim 11, wherein the displaying step
includes displaying the temporary graphic element in a corner of the content
viewing area.

14. A method as recited in claim 11, wherein the displaying step
includes displaying the temporary graphic element within a temporary window in a
windowing operating environment.

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1 15. A method as recited in claim 11, further comprising an additional
2 step of animating the temporary graphic element, wherein the displaying step
3 includes displaying the temporary graphic element within a temporary window in a
4 windowing operating environment.

5
6 16. A computer-readable storage medium containing instructions that are
7 executable for performing the steps recited in claim 11.

8
9 ²
~~17.~~ A hypermedia browser as recited in claim 1, wherein the browser is
10 configured to display the temporary graphic element over the content viewing area
11 only during times when the browser is loading visible content.

12 ³
~~18.~~ A hypermedia browser as recited in claim 1, wherein the temporary
13 graphic element indicates to a user that the browser is loading content.

14
15 ⁴
~~19.~~ A hypermedia browser as recited in claim 1, wherein the temporary
16 graphic element disappears when the browser's loading of content is complete to
17 indicate to a user that such loading of content is complete.

18
19 ²⁰
~~20.~~ An information processing device as recited in claim ¹²~~8~~, wherein the
20 temporary graphic element is not content.

21
22 ²¹
~~21.~~ An information processing device as recited in claim ¹²~~8~~, wherein the
23 temporary graphic element disappears when the browser's loading of content is
24 complete to indicate to a user that such loading of content is complete.

1 22. A method as recited in claim ¹⁹11, wherein the temporary graphic
2 element is not content.

3 23. A method as recited in claim ¹⁹11, wherein the temporary graphic
4 element indicates to a user that the loading step is being performed.

5 24. A method as recited in claim ¹⁹11, further comprising removing the
6 temporary graphic element once the loading step is complete to indicate to a user
7 that the loading step is complete.
8

9 ⁹
10 ~~25.~~ A hypermedia browser as recited in claim 1, wherein the temporary
11 graphic element conveys status information of the browser.
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1 ²⁶ **26. (Twice Amended)** A method of indicating a content "load status"
 2 of a hypermedia browser having a content viewing area for viewing content, the
 3 method comprising:
 4 displaying loaded content within the content viewing area of a screen of a
 5 hypermedia browser, the screen being without a "load status" graphic element,
 6 wherein a "load status" graphic element indicates a current content load status of
 7 the hypermedia browser;
 8 receiving an instruction to load new content into the content viewing area;
 9 loading such new content into the content viewing area; and
 10 while loading, displaying a "load status" graphic element over the content
 11 viewing area so that the graphic element obstructs only part of the content in such
 12 content viewing area; and
 13 wherein content comprises data for presentation which is from a source
 14 external to the browser.

15
 16 ²⁷ **27.** A method as recited in claim 26 further comprising, upon completion
 17 of the loading, removing the "load status" graphic element to reveal the part of the
 18 content in the content viewing area that the graphic element obstructed when the
 19 element was displayed.
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1 ¹¹⁰
 2 **28. (Amended)** A computer-readable medium having computer-
 3 executable instructions that, when executed by a computer, perform a method of
 4 indicating a content "load status" of a hypermedia browser having a content
 5 viewing area for viewing content, the method comprising:

6 displaying loaded content within the content viewing area of a screen of a
 7 hypermedia browser, the screen is without a "load status" graphic element,
 8 wherein a "load status" graphic element indicates a current content load status of
 9 the hypermedia browser;

10 receiving an instruction to load new content into the content viewing area;

11 loading such new content into the content viewing area; and

12 while loading, displaying a "load status" graphic element over the content
 13 viewing area so that the graphic element obstructs only part of the content in such
 14 content viewing area; and

15 wherein content comprises data for presentation which is from a source
 16 external to the browser.

17 ¹¹¹
 18 **29.** A computer-readable medium as recited in claim ³⁶28 further having
 19 additional computer-executable instructions that perform a method comprising,
 20 upon completion of the loading, removing the "load status" graphic element to
 21 reveal the part of the content in the content viewing area that the graphic element
 22 obstructed when the element was displayed.

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¹¹⁰
30. (Amended) An information processing device comprising:

a processor;

a display;

a hypermedia browser executing on the processor to load and display content in a content viewing area on the display;

wherein the hypermedia browser is configured to operate in a content-loading mode and a content-loaded mode;

in the content-loaded mode, the hypermedia browser displays loaded content in the content viewing area and no "load status" graphic element is displayed, wherein absence of such "load status" graphic element indicates that the browser is in the content-loaded mode;

in the content-loading mode, the hypermedia browser loads content, displays such content in the content viewing area as it loads, and displays a "load status" graphic element over the content view area obstructing part of the content displayed in the content viewing area, wherein presence of such "load status" graphic element indicates that the browser is in the content-loading mode; and

wherein content comprises data for presentation which is from a source external to the browser.

¹¹⁰
31. A hypermedia browser of claim 1, wherein content is data formatted for presentation which is selected from a group consisting of visible effects of a markup language, visible text of such a markup language, and visible results of a scripting language.

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1 ~~32.~~ A hypermedia browser of claim 1, wherein content is data formatted
2 for presentation which is selected from a group consisting of HTML, text, SGML,
3 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
4 scripting language for the world wide web.

5
6 ~~33.~~ A hypermedia browser of claim ~~6~~¹⁷, wherein content is data formatted
7 for presentation which is selected from a group consisting of visible effects of a
8 markup language, visible text of such a markup language, and visible results of a
9 scripting language.

10
11 ~~34.~~ A hypermedia browser of claim ~~6~~¹², wherein content is data formatted
12 for presentation which is selected from a group consisting of HTML, text, SGML,
13 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
14 scripting language for the world wide web.

15
16 ~~35.~~ A hypermedia browser of claim ~~11~~¹⁹, wherein content is data
17 formatted for presentation which is selected from a group consisting of visible
18 effects of a markup language, visible text of such a markup language, and visible
19 results of a scripting language.

20
21 ~~36.~~ A hypermedia browser of claim ~~11~~¹⁹, wherein content is data
22 formatted for presentation which is selected from a group consisting of HTML,
23 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
24 Flash. scripting language for the world wide web.
25

1 ³⁷37. A hypermedia browser of claim ³⁶26, wherein content is data
2 formatted for presentation which is selected from a group consisting of visible
3 effects of a markup language, visible text of such a markup language, and visible
4 results of a scripting language.

5
6 ³⁸38. A hypermedia browser of claim ³⁶26, wherein content is data
7 formatted for presentation which is selected from a group consisting of HTML,
8 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
9 Flash. scripting language for the world wide web.

10
11 ³⁹39. A hypermedia browser of claim ³⁸28, wherein content is data
12 formatted for presentation which is selected from a group consisting of visible
13 effects of a markup language, visible text of such a markup language, and visible
14 results of a scripting language.

15
16 ⁴⁰40. A hypermedia browser of claim ³⁹29, wherein content is data
17 formatted for presentation which is selected from a group consisting of HTML,
18 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
19 Flash. scripting language for the world wide web.

20
21 ⁴¹41. A hypermedia browser of claim ⁴⁰30, wherein content is data
22 formatted for presentation which is selected from a group consisting of visible
23 effects of a markup language, visible text of such a markup language, and visible
24 results of a scripting language.
25

1 42. A hypermedia browser of claim ⁴⁰30, wherein content is data
2 formatted for presentation which is selected from a group consisting of HTML,
3 text, SGML, XML, java, XHTML, JavaScript, streaming video, VRML, Active X,
4 Flash. scripting language for the world wide web.
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REMARKS

Applicant respectfully requests entry of the following remarks and amendments. Also, Applicant respectfully requests reconsideration of the subject application and allowance of all pending claims.

References herein to the Office Action (or simply the Action) are to the last Office Action, dated February 27, 2001, of U.S. Patent Application Serial No.08/851,877, filed 5/6/97.

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. After this Response, claims 1-42 are still pending. No claims are cancelled. New claims 31-42 are added. Claims 1, 6, 11, 26, 28 and 30 are amended.

The Applicant expressly grants permission to the Office to interpret all pending claims of this application.

Formal Request for an Interview

Applicant expects the comments herein to be persuasive. If not, however, Applicant formally requests a telephonic interview in order to discuss whether any further progress can be made towards allowance of this case. Thus, the undersigned would appreciate a telephone call before issuing a subsequent Action.

Please contact the undersigned to schedule a telephonic interview that is convenient to the Examiner. Applicant hopes that an oral discussion can help us achieve our common goal, which is speedy completion of prosecution of this application.

LEE & HAYES, PLLC

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1 **Prior Art Status of References**

2 Applicant does not explicitly or implicitly admit that any reference is prior
3 art. Nothing in this communication should be considered an acknowledgement,
4 acceptance, or admission that any reference is considered prior art.

5 **"Content"**

6
7 Applicant states that the term "content" found in the claims comprises "data
8 for presentation which is from a source external to the browser." Applicant states
9 that, at the time of filing of this application, this is the plain and ordinary meaning
10 of "content" to those of ordinary skill in the art.

11 Furthermore, examples of content may comprise visible effects of a markup
12 language, visible text of such a markup language, and visible results of a scripting
13 language. Further still, examples of content may comprise HTML, text, SGML,
14 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
15 scripting language for the world wide web.

16 **Telephone Interview**

17 Applicant thanks the Examiner for talking with an attorney for the
18 Applicant, Kasey Christie, via the telephone on several occasions since the
19 issuance of the last Action. This response and amendment is in response to those
20 discussions.

21 At the Examiner's request, Applicant discusses the meaning of the term
22 "content" as it is used in the claims. With the amendments and new claims
23 provided herein, the Applicant has defined the nature of "content."
24
25

1 With respect to issues unrelated to the meaning of "content" (which were
2 not discussed with the Examiner via telephone conferences at the request of the
3 Examiner), Applicant maintains its positions stated in previous communications. In
4 particular, Applicant maintains that the Office has not established a *prima facie* of
5 obviousness. Applicant's prior remarks are reproduced here for completeness.

6 **Claim Rejections – 35 USC § 103 – Obviousness**

7
8 The Office rejects all claims under §103(a) as being unpatentable over U.S.
9 Patent No. 5,760,771 to Blonder et al. ("Blonder"), U.S. Patent No. 5,973,692 to
10 Knowlton et al. ("Knowlton"), U.S. Patent No. 5,983,005 to Monteiro et al.
11 ("Monteiro"), and U.S. Patent No. 6,101,510 to Stone et al. ("Stone"). Applicant
12 respectfully traverses the rejections.

13 **Prima facie case is not established**

14 Applicant submits that the Office has failed to establish its *prima facie* case
15 that claims 1-30 are unpatentable because they are obvious over a combination of
16 cited references. Applicant submits that no combination of the cited references
17 produces combinations having all of the elements and features of claims 1-30.

18 Although some claims are worded differently from others (and may have
19 different claimed elements and features), claims 1-30 recite a common core
20 concept that does not appear in any of the cited references. The core concept is a
21 non-content graphic element appearing over a content area that is indicative of
22 present condition where content is being loaded into the content area.
23
24
25

1 Again, Applicant qualifies the statement of the core concept by noting that
2 each claim is to read and interpreted on its own. The claims of this application may
3 approach this core concept from different angles and color it with different hues.

4 For instance, claim 1 recites its view of the core concept this way:
5 "...display a temporary graphic element over the content viewing area during times
6 when the browser is loading content, wherein the temporary graphic element is
7 positioned over the content viewing area to obstruct only part of the content in the
8 content viewing area, wherein the temporary graphic element is not content." In
9 this case, the display of the non-content graphic element coincides with the loading
10 of content. Claim 18, which is dependent upon claim 1, further elaborates that the
11 display of the non-content graphic element is indicative of the browser "...loading
12 content."

13 In another instance, claim 26 recites its view of the core concept this way:
14 "...wherein a 'load status' graphic element indicates a current content load status
15 of the hypermedia browser..." and "...loading...new content into the content
16 viewing area; and while loading, displaying a 'load status' graphic element over
17 the content viewing area so that the graphic element obstructs only part of the
18 content in such content viewing area..."

1 In previous Actions, the Office compares Blonder's content elements to
2 non-content elements of the claims and Knowlton non-content elements to content
3 elements of the claims. Therefore, Applicant submits that an agreed understanding
4 of the term "content" will further our mutual goal, which is speedy completion of
5 prosecution of this application. Applicant submits that those who are skilled in the
6 art of hypermedia browsers and related fields intuitively understand the concept of
7 "content."

8 Before the submission of Applicant's Preliminary Amendment dated July
9 17, 2000, the Examiner and an attorney for the Applicant, Kasey Christie,
10 discussed the meaning of "content" over the telephone. As a result of that
11 discussion, the Office found and cited Monteiro—in particular, Fig. 19 of
12 Monteiro. This figure illustrates traditional "pull-down" menus in a windowing
13 environment, which may be displayed over the content of a hypermedia browser.
14 Traditional "pull-down" menus are not content.

15 Applicant respectfully submits that the Office's reference to Fig. 19 of
16 Monteiro in the Action seems to indicate an agreement regarding the meaning of
17 "content" within the context of Applicant's application. However, instead of
18 withdrawing Blonder and Knowlton, the Office maintains the same rejections
19 based upon Blonder and Knowlton, but the Office now combines Stone and
20 Monteiro with them.

21 Applicant submits that the cited references do not disclose what the Office
22 says that they do. Applicant submits that the Office equates content in cited
23 references to claimed non-content. In addition, Applicant submits that the Office
24 equates non-content in cited references to claimed content.
25

1 Furthermore, the Office supports rejections of claims 17-24 based upon
 2 their similarity of scope with rejected claims 1-16. However, Applicant submits
 3 that the wording and approach of claims 17-24 are different from claims 1-16. As
 4 such, Applicant submits that claims 17-24 should be examined independently of
 5 claims 1-16. Applicant respectfully submits that, with regard to claims 17-24, the
 6 Office has failed to establish its *prima facie* case because it has not examined these
 7 claims.

8 9 **Claims 1-16**

10 The Office equates claims sets 1-5, 6-10, and 11-15 to each other.
 11 Applicant respectfully submits that they are not equivalent. The independent
 12 claims (1, 6, and 11) of each set are different from each other.

13 14 Claim 1

15 The Office states that claim 1 is obvious because all of the claimed features
 16 and elements of claim are found in a combination of Blonder, Knowlton,
 17 Monteiro, and Stone.

18 Applicant submits that Office has not made a *prima facie* case of
 19 obviousness for claim 1. The cited references do not include elements that the
 20 Office indicates that they do. Furthermore, the combination of the cited references
 21 does not include all of the claimed elements of claim 1.

22 The Office states that Blonder shows many of the features of claim 1.
 23 Applicant disagrees.

24 Blonder's Padding is Content. Claim 1 recites that the "...temporary
 25 graphic element is not content...." The Office equates Blonder's "padding" with

1 Applicant's "...temporary graphic element..." However, Applicant submits that
 2 the "padding" is not equivalent because Blonder's *padding is content*. At col. 3,
 3 lines 34-36, Blonder states that the padding "is predetermined content." Blonder
 4 states that it's padding is content.

5 Knowlton. To support its proposition that Knowlton teaches the "limited
 6 display area" and the "obstruct only part of the content" features, the Office cites
 7 the Abstract of Knowlton; col. 26, lines 20-64, especially lines 60-64; and col. 42,
 8 lines 30-34. However, Applicant submits that Knowlton does not teach either of
 9 these features.

10 Limited Display Area. Applicant cannot find any language that teaches a
 11 "limited display area" in the cited portions or, in fact, in any other portion of
 12 Knowlton. Applicant did find several references within Knowlton that generally
 13 refer to packing icons on a display. However, none of those references is to a
 14 "limited display area." Instead, they appear to refer to any display. Specifically,
 15 see col. 41, lines 34-46. Applicant does not find any reference to a "limited display
 16 area" in Knowlton.

17 Indeed, Applicant found where Knowlton specifically refers to a "typical
 18 display." In the "Background" section of Knowlton, it discusses the problem that
 19 Knowlton is attempting to solve and its related technology. Knowlton expressly
 20 refers to the problem of "displaying such graphical representations...on a *typical*
 21 *display*" (col. 2, lines 18-23) (emphasis added).

22 Obstruct only part of the content. The Office focuses its attention on a block
 23 labeled 210 and shown in Fig. 2A of Knowlton. This block is called the "original
 24 image" within Knowlton.
 25

1 It appears that the Office equates (or analogizes) Knowlton's "original
2 image" 210 to the claimed "content viewing area" of claim 1. Applicant submits
3 that the original image 210 of Knowlton is NOT equivalent (or analogous) to a
4 "content viewing area" as claimed in claim 1. Application provides two main
5 reasons.

6 First, claim 1 recites a "...*content* viewing area..." and not just a "viewing
7 area." The original image in Knowlton does not display content. It "displays"
8 nothing. It is an image. It is not a display, a window, a screen, or anything else
9 capable of displaying. Since it cannot display anything, it cannot be an area for
10 viewing content. The original image in Knowlton is something that is displayed
11 rather than something that displays.

12 Second, Applicant respectfully submits that the Office has misinterpreted
13 Knowlton (in particular, Fig. 2A). The graphic icon 144 of Knowlton is incapable
14 of "obstructing only part of the content in the content viewing area." It does not do
15 so for several reasons, for example:

- 16 • The original image 210 of Knowlton is not a "content viewing area";
17 therefore, if the graphic icon was covering the original image 210, it
18 is NOT "in the content viewing area" as recited by claim 1;
- 19 • The Office appears to imply the graphic icon 144 of Fig. 2A of
20 Knowlton is capable of being displayed over the original image. This
21 is not true. Instead, the graphic icon represents a portion that is cut
22 away from the original image. Notice the arrow points from the box
23 in the original image to the box labeled graphic icon 144. The icon
24 is taken from the original image. It is NOT displayed over the
25 image. Nowhere in Knowlton does it say that the graphic icon is

1 displayed over the original image. Instead, Knowlton says, for
2 example, "Graphic 44 Image 220 represents the region of Original
3 Image 210 that has been selected...for construction of the Graphic
4 Icon 144..." (col. 19, lines 39-41). Therefore, graphic icon 144
5 never "...obstruct[s any part of] the content..." as recited by claim 1.
6

7 Monteiro. Office refers to the "pull-down" menus of Monteiro to support its
8 position that claim 1 is obvious. However, these pull-down menus are not
9 "...configured to display a temporary graphic element over the content viewing
10 area during times when the browser is loading content..." as recited by claim 1.
11 Since they are pull-down menus, they will be displayed when directed to do so by a
12 user.

13 Lack of Motivation

14 In addition, the Office failed to provide any evidence of a suggestion,
15 teaching, or motivation to combine Blonder, Knowlton, Monteiro, and Stone. The
16 Office has not shown any such evidence within the cited references. The Office
17 has not shown any such evidence outside of the cited references that one of
18 ordinary skill in the art (OOSA) would be motivated to combine the references in
19 the manner specified by the Office.

20 In the Action, the Office supports its obviousness determination for the
21 combination by stating multiple times that OOSA would be motivated for the
22 reasons "noted in the previous paragraphs." Specifically, this statement is made
23 three times.

24 The Office states that OOSA would be motivated for the reasons "noted in
25 the previous paragraphs" the very first time in the Action that the Office combines

1 elements found in the cited references. Specifically, that is when the Office
2 combines pieces from Knowlton and Blonder at page 4, first full paragraph of the
3 Action. However, no previous paragraphs exist to contain the referenced
4 motivation.

5 Again, the same statement is made when the Office combines the
6 combination of Knowlton and Blonder with a piece Stone at page 4, paragraph 4 of
7 the Action. Yet again, the statement is made when the Office combines the
8 combination of Knowlton, Blonder, and Stone with a piece of Monteiro at page 4,
9 paragraph 2 in the Action.

10 However, Applicant cannot locate the referenced motivation anywhere in
11 the Action. The Office never explains why OOSA would be motivated to combine
12 the pieces found in each reference to form a combination as recited in claim 1.
13 Applicant respectfully submits that no such motivation exists.

14
15 Claim 6

16 This claim is directed to an information processing device. In addition to
17 that difference, this claim differs from claim 1 in other ways. For example, claim
18 6 recites, "visible content" and "the graphic element indicates to a user that the
19 browser is loading content." These features are not found in any cited reference.
20
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Claim 11

This claim is directed to a method. In addition to that difference, this claim differs from claim 1 in other ways. For example, claim 11 recites, "displaying content in a content viewing area." This means that the content is visible. Like claim 6 above, this feature is not found in any cited reference.

Claims 2-6, 7-10, and 12-16

Dependent claims 2-6, 7-10, and 12-16 are allowable because of their dependence from allowable base claims (1, 6, and 11), and for additionally recited features that are not shown by the cited references in the context defined by the base claims. These claims are allowable whether their base claims are allowable or not.

Claims 2, 5, 7, 10, 12, and 15

Claims 2, 5, 7, 10, 12, and 15 include a feature where the temporary graphic element is animated. The Office states that this feature is obvious because Blonder suggests such animation. However, Applicant submits that Blonder does not suggest this. Rather, Blonder discloses use of animated *content*. The "...graphic element..." of these claims is "...not content..."; therefore, Blonder does not suggest the use of an animated graphic element that is not content.

If the Office maintains its rejection of these claims based upon the animated content of Blonder, Applicant requests that the Office explain how the content of Blonder is equivalent to the non-content of the graphic element of these claims.

Claims 3, 8, and 13

Claims 3, 8, and 13 recite that the temporary graphic element is displayed "...in a corner of the content viewing area...." In addressing these claims, the Office mentions that using a corner "is a well known feature of Windows windowing and graphical icons, such as mentioned in Knowlton et al. See column 26, lines 60-64." Applicant cannot find any suggestion in the Knowlton that establish the obviousness of using a corner of a "...content viewing area..." to display a "...temporary graphics element..." when "...loading content..."

Regardless whether it is well known or not, Applicant submits that it is not generally known to place a graphic element in the corner of a "...content viewing area..." instead of the corner of the *window*. This feature is illustrated at element 64 of Fig. 3 of the application. Note that element 64 is not part of the window itself. Rather, it is over the content viewing area. There is nothing in the cited references to suggest that a corner of a content viewing area should be used for a graphics element such as the one claimed.

If the Office maintains its rejection of these claims, Applicant requests that the Office explain how use of a corner of a window is equivalent to use of the corner of a "...content viewing area..." as recited in these claims.

Claims 4, 5, 9, 10, 14, and 15

Claims 4, 5, 9, 10, 14, and 15 recite that the temporary graphic element is presented "...within a temporary window in a windowing operating environment..." Although the Office may have established the achievability of this feature, it has not established any *suggestion or motivation for actually implementing it*. There is no indication in the cited references that anyone has ever

1 considered using a "window" to display a graphics element such as this when
2 content is loading.

3 The Office specifically refers to icon 144 of Figure 2A of Knowlton.
4 Nowhere in Knowlton does it suggest that icon 144 be presented "...within a
5 temporary window...." See the above discussion of Knowlton with respect to
6 claim 1.

7 Claim 16

8 The Office states that computer readable storage medium is well known in
9 the art of computers. This may or may not be true. Regardless, claim 16 is
10 allowable because it is dependent from an allowable base claim, claim 11.

12 **Claims 17-30**

13 On page 6 of the Action, the Offices states the following (and only the
14 following) to support its obviousness rejection of claims 17-30:

15 "In regard to claims 17-24, these claims are of similar scope
16 to claims 1-16. For the reasons stated in the rejections of claims 1-
17 16, claims 17-24 are not patentable.

18 In regard to claims 25-30, such "load status" [handling] is
19 taught by Stone (column 7, lines 6-14, i.e. "busy" signal to indicate
20 loading)."

21 Claims 17-30 include elements that are different from claims 1-16 and/or
22 include limitations that do not exist in claims 1-16.

23 Applicant submits that these two paragraphs fail to provide the requisite
24 support for the Office's conclusion that claims 17-30 are unpatentable because of
25

1 obviousness. Therefore, the Office has failed to establish its *prima facie* case that
2 these claims are unpatentable.

3
4 Claims 17-24.

5 Despite the Office's statement that these claims are of "similar scope" to
6 claims 1-16, Applicant submits that these claims are not. Furthermore, Applicant
7 respectfully submits that similarity of scope is not a valid ground for a rejection.

8 Claim 17. This claim is dependent from claim 1. This claim specifically
9 recites, "the temporary graphic element [displays] over the content viewing area
10 *only during times when the browser is loading visible content*" (emphasis added).
11 None of the cited references contains this feature. In particular, note the bolded
12 and italicized words, "only" and "visible." These limitations are not found in any
13 cited reference. In the Action, the Office did not address this.

14 Claim 18. This claim is dependent from claim 1. This claim specifically
15 recites, "the temporary graphic element indicates to a user that the browser is
16 loading content." None of the cited references contains this feature. In the Action,
17 the Office did not address this.

18 Claim 23. This claim is dependent from claim 11 and is similar to claim 18.
19 This claim specifically recites, "the temporary graphic element indicates to a user
20 that the loading step is being performed." None of the cited references contains
21 this feature. In the Action, the Office did not address this.

22 Claims 19 and 21. Claim 19 is dependent from claim 1 and claim 21 is
23 dependent from claim 6. Specifically, these claims recite, "the temporary graphic
24 element [disappearing] when the browser's loading of content is complete to
25

1 indicate to a user that such loading of content is complete.” None of the cited
2 references contains this feature. In the Action, the Office did not address this.

3 Claim 24. This claim is dependent from claim 11 and is similar to claims
4 19 and 21. This claim specifically recites, “removing the temporary graphic
5 element once the loading step is complete to indicate to a user that the loading step
6 is complete.” None of the cited references contains this feature. In the Action, the
7 Office did not address this.

8 Claim 20 and 22. Claim 20 is dependent from claim 6 and claim 22 is
9 dependent from claim 11. Each claim recites the same feature. Specifically, they
10 recite, “the temporary graphic element is not content.” This feature is included in
11 claim 1; therefore, the Action addressed this feature. See Applicant’s comments
12 about this feature in its discussion of claim 1 above.

13
14 Claims 25-30.

15 These claims focus on the status of the browser, but they are worded
16 differently from claims 1-16. They include different elements and limitations.

17 The Office indicates that Stone supports its position that these claims are
18 obvious. Applicant respectfully submits that Stone does not provide the requisite
19 support. The “DownloadBegin” and “DownloadComplete” events described in the
20 cited portion of Stone are program-control events. These are used by application
21 programs to determine when to perform a programmed action. This is not a
22 displayed “load status” graphic element.

23 Stone says that it provides “...functionality of a web browser to application
24 programs” (col. 5, line 66 through col. 6, line 1); and “...programmers can
25 incorporate this control...” (col. 6, line 5). In col. 6, lines 45-50, Stone explains

1 the events listed in Table 2. Table 2 includes the "DownloadBegin" and
 2 "DownloadComplete" events cited in the Action. Stone explains that these events
 3 are notification messages to the control's programming interfaces.

4 Applicant submits that Stone does not disclose, suggest, teach, or motivate
 5 one of ordinary skill in the art to display a "load status" of a browser is NOT
 6 displayed by a graphic element.

7 Claim 25. This claim is dependent from claim 1. This claim specifically
 8 recites, "the temporary graphic element conveys status information of the
 9 browser." None of the cited references contains this feature.

10 Claims 26-30. Applicant submits that these claims are worded differently
 11 and have a different scope of coverage than claims 1-24. However, the Action did
 12 not provide any information regarding a thorough examination of these claims
 13 independent from claims 1-24. Applicant formally requests an examination of
 14 these claims, which is independent of an examination of claims 1-24.

15 Claims 26 and 28. These claims are independent. These claims describe a
 16 method (or medium with instructions executing such a method) of indicating a
 17 content "load status" that is not found in any of the cited references.

18 Claims 27 and 29. These claims are dependent from claims 26 and 28,
 19 respectively. These claims describe an additional step to a method (or medium
 20 with instruction executing such a method) of indicating a content "load status" that
 21 is not found in any of the cited references. The step involves "removing the "load
 22 status" graphic element to reveal the part of the content in the content viewing area
 23 that the graphic element obstructed when the element was displayed."

24 Claim 30. This claim is independent. This claim describes a hypermedia
 25 browser (of an information processing devices) that is configured to operating in

1 at least two modes: content-loading and content-loaded. The claim describes the
2 modes in detail. None of the cited references includes the features of this claim.

3 Accordingly, Applicant submits that all of the pending claims in a condition
4 for allowance. Applicant asks the Office with withdraw its rejections and allow all
5 pending claims.

6
7 **Formal Request for an Interview**

8
9 Applicant expects the above comments to be persuasive. If not, however,
10 Applicant formally requests a telephonic interview in order to discuss whether any
11 further progress can be made towards allowance of this case. Thus, the
12 undersigned would appreciate a telephone call before issuing a subsequent Action.

13 Please contact the undersigned to schedule a telephonic interview that is
14 convenient to the Examiner. Applicant hopes that an oral discussion can help us
15 achieve our common goal, which is speedy completion of prosecution of this
16 application.

1 **Conclusion**

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt issuance of the application. If any issues
4 remain that prevent issuance of this application, the Office is urged to contact the
5 undersigned attorney before issuing a subsequent Action.

6
7 Respectfully Submitted,

8
9 Dated: 8-15-01

By: 

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/14/09

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability	Application No. 08/851,877	Applicant(s) Shell et al.	
	Examiner David Jung	Art Unit 2171	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/20/2001
2. ☒ The allowed claim(s) is/are 1-42
3. ☐ The drawings filed on _____ are acceptable as formal drawings.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - *Certified copies not received: _____
5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

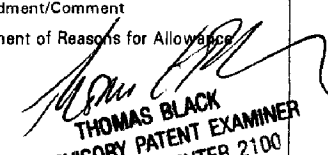
6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 5
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____
5 <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____	6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment
7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
9 <input type="checkbox"/> Other	


THOMAS BLACK
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100
 Part of Paper No. 21

U.S. Patent and Trademark Office
PTO-37 (Rev. 01-01)

Notice of Allowability

Application/Control Number: 08/851,877

Page 2

Art Unit: 2171

DETAILED ACTION

III. DETAILED ACTION

Amendment

1. On August 20, 2001, Applicant filed an amendment to the claims and provided explanations for the terms used in the claims.
2. As of this Office Action, claims 1-42 are presented for examination.

Examiner's Comment

3. On August 30, 2001, the Examiner (David Jung of Art Unit 2171) and Applicant's representative (Mr. Kasey C. Christie, USPTO Reg. No. 40,559, of Lee & Hayes, Spokane, Washington) discussed the word "content." The is a specific term within the art. Nevertheless, this word is also used outside the art with a wide (and different) meaning. Therefore, the Examiner and Applicant's representative agreed to add an additional comment regarding this word "content." This is done through citing a chart on an on-line (in the World Wide Web) posting of November 2000 issue of the magazine "Scientific American." This chart is at: www.sciam.com/2000/1100issue/1100stjohnbox1.html. Readers of

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this file history are directed to the use of that word "content" in that chart.

Allowable Subject Matter

4. Claims 1-42 are allowed.

5. The following is an examiner's statement of reasons for allowance:

6. Regarding claims 1-42, such particular handlings (among others) of browser, display, and content in such particular context in such particular situations are not taught or suggested by the prior art. Pages 15-31 of the amendment gives the explanations for the terms used in the claims. Among others, the following three issues are worthy of mention.

7. First, regarding browsers, Applicant specially notes (such as at page 17 of the amendment) that the claimed invention is directed to loading into the browser. This means that the loading is not done merely to the hard drive or to the memory. The loading is done for the specific purpose of displaying the content with the browser.

8. Second, regarding display, Applicant specially notes that the word "display" refers to the computer doing the act of displaying (i.e. the plain meaning of that word "display") in a

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limited display area within a content viewing area. At page 20, Applicant specifically contrasts this with the mere displaying on a typical display. At page 22, Applicant specially contrasts "display" of the claimed invention with a "pull-down" menu. Applicant argues that a "pull-down" menu is driven by a user, rather than by the computer. Using these and other arguments in the amendment, Applicant has specifically defined this word "display" (especially because Applicant has chosen to take the plain, albeit narrow, meaning). Applicant is entitled to do so because an applicant is entitled to be his own lexicographer to this extent.

9. Third, regarding content, Applicant specially notes the meaning of this word "content" to refer to the specific meaning in the art. This was also noted in the previous section of "Examiner's Comment."

10. Upon considering all relevant issues, including these three terms, one can then assess the meanings and the scopes of the claims. As noted during the file history (see amendment of August 20, 2001, especially pages 15-31), the claimed invention is directed to covering a part of the content viewing area with a graphic element. This graphic element is not additional content. Rather, this graphic element would indicate loading status of the

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content that is being loaded into the browser. To some degree, this appears counterintuitive and against the normal flow of the art. If such a graphic element would cover content, this would interfere with the view offered to the user. This is especially true since the browser is involved. Presumably, the user would be using the browser to browse; any content being loaded to the browser would be wanted by the user. Instead of having the graphic element away from the content, the graphic element covers the content. The prior art of record does not teach or suggest the claimed invention.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other Prior Art of Record

12. The prior art disclosed general background.

Points of Contact

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications
intended for entry)

Or:

(703) 305-9731 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

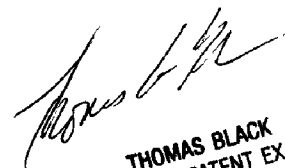
Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (703) 308-5262 or Thomas Black whose telephone number is (703) 305-9707.


THOMAS BLACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

David Jung

Patent Examiner

September 9, 2001

